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"I/A" ITEM NOTE

From: Presidency
To: Permanent Representatives Committee/Council
Subject: Decision to make public the CETA negotiating directives

1. In view of the interest by the public in the negotiations between the EU and Canada on a Comprehensive Economic and Trade Agreement (CETA), the Permanent Representative of the Federal Republic of Germany to the EU sent a letter on 22 October 2015 to the Luxembourg Minister of Foreign and European Affairs suggesting to make the CETA negotiating directives public.
2. The European Commissioner for Trade and Members of the European Parliament have also demanded orally the release of the CETA negotiating directives on a number of occasions.

3. The suggested release of the CETA negotiating directives was discussed by the Trade Policy Committee (Full Members) at its meeting on 4 December 2015. The Committee agreed, following the general principles set out in a statement to the minutes of the Council of 10 March 2015¹ and having carefully considered the CETA negotiating directives, that the decision to make the negotiating directives public would, in this instance, have no impact on the ability of the EU to negotiate effectively and would not undermine the EU's negotiating position in these specific negotiations. Consequently, the Committee reached an agreement to recommend to the Coreper/Council to make public the CETA negotiating directives, as contained in Annex I to document 9036/09 RESTREINT UE/EU RESTRICTED and Annex I to document 12838/11 RESTREINT UE/EU RESTRICTED, at the earliest convenience. All Member State delegations expressed their common accord for the subject matters of CETA relating to their competences.

4. Against this background, the Permanent Representatives' Committee is invited to recommend that:
 - a) the Council decide to make the CETA negotiating directives public;

 - b) the Representatives of the Governments of the Member States decide to make the CETA negotiating directives public.

5. In accordance with Article 218(10) of the Treaty on the Functioning of the European Union, the European Parliament will be duly informed of the decision taken.

¹ Doc. 7060/1/15 REV 1, p.5.