



Council of the
European Union

068482/EU XXVI. GP
Eingelangt am 17/06/19

Brussels, 17 June 2019
(OR. en)

Interinstitutional Files:
2018/0358(NLE)
2018/0359(NLE)

5929/19
ADD 1

LIMITE

WTO 33
SERVICES 6
FDI 2
COASI 9

'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Council Decision on the signing, on behalf of the Union, of the Investment Protection Agreement between the European Union and its Member States, of the one part, and the Socialist Republic of Viet Nam, of the other part

- Adoption

Council Decision on the conclusion, on behalf of the Union, of the Investment Protection Agreement between the European Union and its Member States, of the one part, and the Socialist Republic of Viet Nam, of the other part

- Request for the consent of the European Parliament

Statement by the Commission and the Council on the access of SMEs and private individuals to investment protection and the Investment Court System ("ICS") within the framework of the EU-Vietnam Investment Protection Agreement

The Commission and the Council recall their Statement (no 36 on investment protection and the Investment Court System) adopted in the context of the signature of the EU-Canada Comprehensive Economic and Trade Agreement^[1] that addresses the issue of better and easier access to ICS for SMEs and private individuals. The Council and Commission note in this respect:

[1] OJ L 11/20 14.1.2017

- The adoption by the Committee of supplemental rules on fees is foreseen in Article 3.53(5) of the EU-Vietnam IPA, which are intended to fix the maximum amount of costs of legal representation and assistance, taking into account the reduced financial resources of natural persons or small and medium-sized enterprises. Work on these rules will be expedited with the intention that they can be adopted no later than one year after the date of entry into force of the agreement.
- In line with Statement 36 the Commission will propose appropriate measures of (co)-financing of actions of small and medium-sized enterprises before the ICS Tribunal and the Appellate Tribunal, and the provision of technical assistance. These measures will be of application to the Viet Nam IPA and other EU investment agreements containing ICS once they have entered into force.
