



Council of the
European Union

170143/EU XXVII. GP
Eingelangt am 23/01/24

Brussels, 23 January 2024
(OR. en)

Interinstitutional Files:

2022/0025(NLE)

2023/0403(NLE)

15638/1/23
REV 1

POLCOM 279
FDI 33

'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 2)/Council
No. Cion doc.:	15637/23 + ADD 1
Subject:	COUNCIL DECISION on the position to be taken on behalf of the European Union in the CETA Joint Committee established under 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, as regards the adoption of a decision on the interpretation of Article 8.10, Annex 8-A, Article 8.9.1 and Article 8.39.3 of CETA in accordance with Article 26.1.5(e) of CETA - Adoption

1. In 2022 the Commission and Canada began to discuss the interpretation of certain investment provisions in the EU-Canada Comprehensive Economic and Trade Agreement (CETA).
2. On 6 September 2023 the Commission informed the Trade Policy Committee (Experts – Services and Investment) (TPCSI) that it had concluded the negotiations.

3. On 17 November 2023 the Commission transmitted to the General Secretariat of the Council a proposal for a Council Decision on the position to be taken on the Union's behalf in the Joint Committee established under 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, in connection with the envisaged adoption of a decision on the interpretation of Article 8.10, Annex 8-A, Article 8.9.1 and Article 8.39.3 of CETA in accordance with Article 26.1.5(e)¹.
4. On 6 December 2023 the TPCSI endorsed the Commission proposal, subject to legal-linguistic review. To the extent it also falls within their own competence, all Member States were in a position to agree to the adoption of this Decision, which cannot be construed as affecting the respective competences of the Union and of the Member States.
5. In the light of the above, and subject to confirmation by the Permanent Representatives Committee, the Council is invited to:
 - adopt the Council Decision as finalised by the legal-linguistic experts and set out in document 15637/23 + ADD1; and
 - note that the European Parliament will be informed in accordance with Article 218(10) TFEU, and that the Council Decision will be transmitted to the Parliament.

¹ ST 15637/23 and ST 15637/23 ADD1.