



Council of the
European Union

Brussels, 7 May 2020
(OR. en)

13025/19

Interinstitutional File:
2019/0217 (NLE)

FDI 29
SERVICES 47
WTO 269

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

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 setting out the administrative and organisational matters regarding the functioning of the Appellate Tribunal

COUNCIL DECISION (EU) 2020/...

of ...

**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 setting out the administrative and organisational matters
regarding the functioning of the Appellate Tribunal**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 207(4), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Council Decision (EU) 2017/37¹ provides for 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 part² ('the Agreement'). The Agreement was signed on 30 October 2016.
- (2) Council Decision (EU) 2017/38³ provides for the provisional application of parts of the Agreement, including the establishment of the CETA Joint Committee. The Agreement has been provisionally applied since 21 September 2017.
- (3) Pursuant to Article 26.3.1 of the Agreement, the CETA Joint Committee is to, for the purpose of attaining the objectives of the Agreement, have the power to make decisions in respect of all matters when the Agreement so provides.
- (4) Pursuant to Article 26.3.2 of the Agreement, the decisions made by the CETA Joint Committee are to be binding on the Parties, subject to the completion of any necessary internal requirements and procedures, and the Parties are to implement them.

¹ Council Decision (EU) 2017/37 of 28 October 2016 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 11, 14.1.2017, p. 1).

² OJ L 11, 14.1.2017, p. 23.

³ Council Decision (EU) 2017/38 of 28 October 2016 on the provisional application 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 11, 14.1.2017, p. 1080).

- (5) In accordance with Article 8.28.7 of the Agreement, the CETA Joint Committee is to adopt a decision setting out the administrative and organisational matters regarding the functioning of the Appellate Tribunal.
- (6) It is therefore appropriate to establish the position to be taken on the Union's behalf in the CETA Joint Committee on the basis of the draft decision of the CETA Joint Committee on the Appellate Tribunal in order to ensure the effective implementation of the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on behalf of the European Union in the CETA Joint Committee as regards the adoption of a decision setting out the administrative and organisational matters regarding the functioning of the Appellate Tribunal shall be based on the draft decision of the CETA Joint Committee¹.

Article 2

This Decision shall enter into force on the date of entry into force of the Agreement.

Done at Brussels,

For the Council
The President

¹ See document ST 6964/20 on <http://register.consilium.europa.eu>.