



Council of the
European Union

Brussels, 23 January 2024
(OR. en)

15639/23

Interinstitutional File:
2023/0403 (NLE)

POLCOM 280
FDI 34

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the position to be adopted on behalf of the European Union within 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 an Interpretation of Article 8.10, Annex 8-A, Article 8.9 and Article 8.39 thereof in accordance with its Article 26.1.5(e)

COUNCIL DECISION (EU) 2024/...

of ...

**on the position to be adopted on behalf of the European Union within
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 an Interpretation of Article 8.10, Annex 8-A,
Article 8.9 and Article 8.39 thereof in accordance with its Article 26.1.5(e)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular
Article 207(4), first subparagraph, 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. The Agreement has been provisionally applied since 21 September 2017.
- (3) Pursuant to Article 26.1.5(e) of the Agreement, the CETA Joint Committee has the power to adopt interpretations of the provisions of the Agreement, which are to be binding on tribunals established under Section F of Chapter Eight (Resolution of investment disputes between investors and states) and Chapter Twenty-Nine (Dispute Settlement) of the Agreement.

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).

- (4) Pursuant to Rule 10(3) of its Rules of Procedure attached to Council Decision (EU) 2018/1062⁴, the CETA Joint Committee has the power to adopt Interpretations of the Agreement.
- (5) The CETA Joint Committee is to adopt, by written procedure, an Interpretation of Article 8.10, Annex 8-A, Article 8.9 and Article 8.39 of the Agreement.
- (6) It is therefore appropriate to establish the position to be adopted on the Union's behalf within the CETA Joint Committee on the basis of the attached draft Interpretation of the CETA Joint Committee, as it clarifies Article 8.10, Annex 8-A, Article 8.9 and Article 8.39 of the Agreement,

HAS ADOPTED THIS DECISION:

⁴ Council Decision (EU) 2018/1062 of 16 July 2018 on the position to be adopted on behalf of the European Union within the CETA Joint Committee established by the Comprehensive Economic and Trade Agreement between Canada, of the one part, and the European Union and its Member States, of the other part as regards the adoption of the Rules of Procedure of the CETA Joint Committee and specialised committees (OJ L 190, 27.7.2018, p. 13).

Article 1

The position to be adopted on the Union's behalf within the CETA Joint Committee as regards the adoption of an Interpretation of Article 8.10, Annex 8-A , Article 8.9 and Article 8.39 of the Agreement, in accordance with Article 26.1.5(e) thereof, shall be based on the draft Interpretation of the CETA Joint Committee attached to this Decision.

Article 2

After its adoption, the Interpretation referred to in Article 1 shall be published in the *Official Journal of the European Union*.

Article 3

This Decision shall enter into force on the date of its adoption.

Done at Brussels,

For the Council

The President
