

**CETA (Analyse sur base des documents reçus jusqu'au 20 octobre 2016 inclus)**

<b>RESOLUTION</b>	<b>Traité</b>	<b>Déclaration interprétative + Déclarations de COM Situation au 18 octobre</b>	<b>Instrument et déclaration reçue. Situation au 20 octobre.</b>
<p>a. solliciter l'avis de la Cour de justice européenne (CJIE) sur la compatibilité de l'accord avec les Traités européens sur la base de l'article 218(11) du TFUE pour éviter qu'un accord incompatible avec les Traités européens soit conclu et de ne pas procéder à la ratification de cet accord tant que la CJIE ne s'est pas prononcée (cfr. Point S de la motion du 14/10)</p>			
<p>b. plaider au sein du Conseil pour que le CETA soit qualifié d'accord mixte, ce qui implique que les États membres doivent donner leur accord</p>	<p>La Commission européenne a proposé que l'accord soit considéré comme mixte le 5 juillet.</p>		
<p>c. refuser toute mise en œuvre provisoire du CETA mais d'attendre que toutes les procédures de ratification nationales soient clôturées, afin d'entendre la voix des citoyens européens, avant une éventuelle entrée en vigueur de l'accord (cfr. Point T de la résolution du 14/10).</p>	<p>L'entrée en vigueur provisoire n'inclut pas l'IGCS qui entrerait en vigueur quant à lui au terme de la ratification par l'ensemble des parlements compétents.</p>		
<p>d. donner la priorité, dans le cadre du CETA, à un mécanisme de règlement des différends d'Etat à Etat sur base des juridictions publiques existantes (cfr. Points R et T de la motion du 14/10).</p>	<p>Article 8 du CETA, Section D et F :                      -Création d'une Cour indépendante Investisseurs-Etat                      -Création d'un mécanisme d'appel                      -Etablissement d'un code de conduite pour les membres de la Cour                      -Engagement des parties sur l'établissement à terme d'une Cour multilatérale d'investissement.                      -Compensations ne porteront que sur les dommages effectivement encourus</p>	<p>Déclaration interprétative conjointe :  <u><b>Investment Protection</b></u>                      CETA includes modern rules on investment that preserve the right of governments to regulate in the public interest including when such regulations affect a foreign investment, while ensuring a high level of protection for investments and providing for fair and transparent dispute resolution. CETA will not result in foreign investors being treated more favourably than domestic investors. CETA does not privilege</p>	<p>Instrument :  <u><b>Investment Protection</b></u>                      a) CETA includes modern rules on investment that preserve the right of governments to regulate in the public interest including when such regulations affect a foreign investment, while ensuring a high level of protection for investments and providing for fair and transparent dispute resolution. CETA will not result in foreign investors being treated more favourably than domestic</p>

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		<p>recourse to the investment court system set up by the agreement. Investors may choose instead to pursue available recourse in domestic courts.</p> <p>CETA clarifies that governments may change their laws, regardless of whether this may negatively affect an investment or investor's expectations of profits. Furthermore, CETA clarifies that any compensation due to an investor will be based on an objective determination by the Tribunal and will not be greater than the loss suffered by the investor. CETA includes clearly defined investment protection standards, including on fair and equitable treatment and expropriation and provides clear guidance to dispute resolution Tribunals on how these standards should be applied.</p> <p>CETA requires a real economic link with the economies of Canada or the European Union in order for a firm to benefit from the agreement and prevents "shell" or "mail box" companies established in Canada or the European Union by investors of other countries from bringing claims against Canada or the European Union and its</p>	<p>investors. CETA does not privilege recourse to the investment court system set up by the agreement. Investors may choose instead to pursue available recourse in domestic courts.</p> <p>b) CETA clarifies that governments may change their laws, regardless of whether this may negatively affect an investment or investor's expectations of profits. Furthermore, CETA clarifies that any compensation due to an investor will be based on an objective determination by the Tribunal and will not be greater than the loss suffered by the investor.</p> <p>c) CETA includes clearly defined investment protection standards, including on fair and equitable treatment and expropriation and provides clear guidance to dispute resolution Tribunals on how these standards should be applied.</p> <p>d) CETA requires a real economic link with the economies of Canada or the European Union in order for a firm to benefit from the agreement and prevents "shell" or "mail box" companies established in Canada or the European Union by investors of other countries from bringing claims against Canada or</p>

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		<p>Member States. The European Union and Canada are committed to review regularly the content of the obligation to provide fair and equitable treatment, to ensure that it reflects their intentions (including as stated in this Declaration) and that it will not be interpreted in a broader manner than they intended.</p> <p>In order to ensure that Tribunals in all circumstances respect the intent of the Parties as set out in the Agreement, CETA includes provisions that allow Parties to issue binding notes of interpretation. Canada and the European Union and its Member States are committed to using these provisions to avoid and correct any misinterpretation of CETA by Tribunals.</p> <p>CETA moves decisively away from the traditional approach of investment dispute resolution and establishes independent, impartial and permanent investment Tribunals. The members of these Tribunals will be individuals qualified for judicial office in their respective countries, and these will be appointed by the European Union and Canada for a fixed term. Cases will be heard by three randomly selected members. Strict ethical rules for these individuals have been</p>	<p>the European Union and its Member States. The European Union and Canada are committed to review regularly the content of the obligation to provide fair and equitable treatment, to ensure that it reflects their intentions (including as stated in this Declaration) and that it will not be interpreted in a broader manner than they intended.</p> <p>e) In order to ensure that Tribunals in all circumstances respect the intent of the Parties as set out in the Agreement, CETA includes provisions that allow Parties to issue binding notes of interpretation. Canada and the European Union and its Member States are committed to using these provisions to avoid and correct any misinterpretation of CETA by Tribunals.</p> <p>f) CETA moves decisively away from the traditional approach of investment dispute resolution and establishes independent, impartial and permanent investment Tribunals, inspired by the principles of public judicial systems in the European Union and its Member States and Canada, as well as and international courts such as the International Court of Justice and the European Court of Human Rights.</p>

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		<p><b>Déclaration interprétative + Déclarations de COM Situation au 18 octobre</b></p> <p>set to ensure their independence and impartiality, the absence of conflict of interest, bias or appearance of bias. The European Union and its Member States and Canada have agreed to begin immediately further work on a code of conduct to further ensure the impartiality of the members of the Tribunals, on the method and level of their remuneration and the process for their selection. The common aim is to conclude the work by the entry into force of CETA.</p>	<p><b>Instrument et déclaration reçue. Situation au 20 octobre.</b></p> <p>Accordingly, the members of these Tribunals will be individuals qualified for judicial office in their respective countries, and these will be appointed by the European Union and Canada for a fixed term. Cases will be heard by three randomly selected members. Strict ethical rules for these individuals have been set to ensure their independence and impartiality, the absence of conflict of interest, bias or appearance of bias. The European Union and its Member States and Canada have agreed to begin immediately further work on a code of conduct to further ensure the impartiality of the members of the Tribunals, on the method and level of their remuneration and the process for their selection. The common aim is to conclude the work by the entry into force of CETA.</p> <p>g) CETA is the first agreement to include an Appeal mechanism which will allow the correction of errors and ensure the consistency of the decisions of the Tribunal of first instance.</p> <p>h) Canada and the European Union and its Member States are committed to monitoring the operation of all these investment rules, to addressing in a</p>
		<p><b>Déclaration interprétative + Déclarations de COM Situation au 18 octobre</b></p> <p>set to ensure their independence and impartiality, the absence of conflict of interest, bias or appearance of bias. The European Union and its Member States and Canada have agreed to begin immediately further work on a code of conduct to further ensure the impartiality of the members of the Tribunals, on the method and level of their remuneration and the process for their selection. The common aim is to conclude the work by the entry into force of CETA.</p>	<p><b>Instrument et déclaration reçue. Situation au 20 octobre.</b></p> <p>Accordingly, the members of these Tribunals will be individuals qualified for judicial office in their respective countries, and these will be appointed by the European Union and Canada for a fixed term. Cases will be heard by three randomly selected members. Strict ethical rules for these individuals have been set to ensure their independence and impartiality, the absence of conflict of interest, bias or appearance of bias. The European Union and its Member States and Canada have agreed to begin immediately further work on a code of conduct to further ensure the impartiality of the members of the Tribunals, on the method and level of their remuneration and the process for their selection. The common aim is to conclude the work by the entry into force of CETA.</p> <p>g) CETA is the first agreement to include an Appeal mechanism which will allow the correction of errors and ensure the consistency of the decisions of the Tribunal of first instance.</p> <p>h) Canada and the European Union and its Member States are committed to monitoring the operation of all these investment rules, to addressing in a</p>

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		<p><b>Déclaration interprétative + Déclarations de COM Situation au 18 octobre</b></p> <p>manner any shortcomings that may emerge and to exploring ways in which to continually improve their operation over time.</p> <p>Therefore, CETA represents an important and radical change in investment rules and dispute resolution. It lays the basis for a multilateral effort to develop further this new approach to investment dispute resolution into a Multilateral Investment Court.</p>	<p><b>Instrument et déclaration reçue. Situation au 20 octobre.</b></p> <p>timely manner any shortcomings that may emerge and to exploring ways in which to continually improve their operation over time.</p> <p>i) Therefore, CETA represents an important and radical change in investment rules and dispute resolution. It lays the basis for a multilateral effort to develop further this new approach to investment dispute resolution into a Multilateral Investment Court. The EU and Canada will work expeditiously towards the creation of the Multilateral Investment Court. It should be set up once a minimum critical mass of participants is established, and immediately replace bilateral systems such as the one in CETA, and be fully open to accession by any country that subscribes to the principles underlying the Court.</p> <p><b>Declaration by the Commission on the meaning of the term "substantial business activities" in Article 8.1 of the Agreement.</b></p> <p><i>The term "substantial business activities" in CETA is to be understood in the same sense as the term "substantive business operations" used in Article V(6) and XXVIII(m) of the WTO General Agreement on Trade in Services. The EU has formally submitted a notification to the WTO1</i></p>

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<p><b>agir auprès des institutions européennes afin de veiller à ce que tous les accords commerciaux conclus par l'Union européenne avec des pays tiers, prévoient le respect des balises suivantes, qui ne se retrouvent malheureusement pas dans le CETA :</b></p> <p>1. L'inclusion d'une clause sur les droits de l'homme, juridiquement contraignante et suspensive, afin de garantir le respect plein et entier des normes de l'Union dans le domaine des droits fondamentaux</p>	<p>L'accord de partenariat stratégique à signer conjointement au CETA inclut une clause essentielle prévoyant la suspension des relations bilatérales en cas de manquements des Droits de l'Homme.</p> <p><i>"The EU, its member states and Canada have reaffirmed their strong commitment to democracy, human rights and respect to the rule of law both in the CETA preamble and in the Strategic Partnership Agreement (SPA) which provides the framework for EU-Canada bilateral relations. The SPA makes human rights an essential element of the entire EU-Canada bilateral relationship, including the trade relationship – so much so, that serious and substantial violations of human rights by a</i></p>		<p><i>stating that it interprets this term as equivalent to the term "effective and continuous link with the economy" utilised in the General Programme for the abolition of restrictions on freedom of establishment adopted by the Council on 15 January 1962 pursuant to Article 54 of the Treaty Establishing the European Economic Community2.</i></p> <p><i>It results that the Commission considers that a Canadian corporation not owned by Canadian nationals could only bring a dispute pursuant to Chapter 8, Section F of the Agreement where it can establish that it has substantive business activities in Canada having an effective and continuous link with the Canadian economy.</i></p>

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<p>2. l'ajout d'une clause générale juridiquement contraignante applicable à l'ensemble des accords, afin de garantir le respect complet et sans ambiguïté de la convention de l'UNESCO sur la protection et la promotion de la diversité des expressions culturelles</p>	<p>Party can be cause for suspension or termination of both the SPA and CETA. "</p> <p>The relevant provisions in the SPA and CETA are:</p> <p>SPA ARTICLE 28 – "Fulfillment of obligations", in particular paragraph 7 refers to CETA:</p> <p>7. In addition, the Parties recognise that a particularly serious and substantial violation of human rights or non-proliferation, as defined in paragraph 3, could also serve as grounds for the termination of the EU-Canada Comprehensive Economic and Trade Agreement (CETA) in accordance with Article 30.9 of that Agreement [N.B. on procedure to terminate the Agreement].</p> <p>CETA Preamble:</p> <p>REAFFIRMING their strong attachment to democracy and to fundamental rights as laid down in The Universal Declaration of Human Rights, done at Paris on 10 December 1948, and sharing the view that the proliferation of weapons of mass destruction poses a major threat to international security;"</p> <p>RECOGNISING the importance of international security, democracy, human rights and the rule of law for the development of international trade and economic cooperation.</p> <p>Exception culturelle préservée (Préambule, Annexe 2 et Article 7.7)</p> <ul style="list-style-type: none"> <li>- Exclusion, pour l'UE, du champ d'application du CETA des services audiovisuels</li> <li>- strict reflet du niveau d'engagement contracté dans le cadre de l'AGCS dans le domaine des services culturels (statu quo AGCS)</li> <li>- maintien de la capacité des EM à octroyer des subsides ou autre soutien du gouvernement</li> </ul>		

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<p>3. l'instauration dans l'accord d'un principe « d'exception agricole » - à l'instar de l'exception culturelle - qui pourra être invoqué si l'augmentation des importations d'un produit risque de causer un préjudice importante à la réalisation des objectifs suivants : la sécurité alimentaire, la sauvegarde de la vie et des sociétés rurales, la protection de la nature et de la biodiversité (= point K de la motion du 14/10).</p>	<p>réaffirmation, dans le préambule de l'accord, de l'importance attachée par les Parties à la Convention de l'UNESCO de 2005 sur la protection et la promotion de la diversité culturelle.</p>	<p>Commission declaration on the continuation of the prohibition of substances with a hormonal action for growth promotion in farm animals (such as hormone-treated beef).</p> <p><i>The Commission confirms that CETA does not contain any additional obligations on the European Union as regards the importation of hormone-treated beef. The European Union will therefore be free to continue to apply its existing legislation on the prohibition of substances having a hormonal action for growth promotion in farm animals (Directive 96/22/EC as amended by Directive 2003/74/EC) which permits it to continue to prohibit the production or import of meat and products provided from animals treated with such substances.</i></p> <p>Commission Declaration in respect of the protection of Geographical Indications:</p> <p>1. <i>The Commission will, throughout ongoing or future negotiations on geographical indications, maintain close contact with each interested Member State through the available consultative structures and will welcome ad hoc requests for further consultations.</i></p> <p>2. <i>The Commission is committed to achieving the best possible level of protection of Union registered geographical indications under ongoing or future negotiations of</i></p>	<p>Commission declaration on the continuation of the prohibition of substances with a hormonal action for growth promotion in farm animals (such as hormone-treated beef).</p> <p><i>The Commission confirms that CETA does not contain any additional obligations on the European Union as regards the importation of hormone-treated beef. The European Union will therefore be free to continue to apply its existing legislation on the prohibition of substances having a hormonal action for growth promotion in farm animals (Directive 96/22/EC as amended by Directive 2003/74/EC) which permits it to continue to prohibit the production or import of meat and products provided from animals treated with such substances.</i></p> <p>Commission Declaration in respect of the protection of Geographical Indications:</p> <p>1. <i>The Commission will, throughout ongoing or future negotiations on geographical indications, maintain close contact with each interested Member State through the available consultative structures and will welcome ad hoc requests for further consultations.</i></p> <p>2. <i>The Commission is committed to achieving the best possible level of protection of Union registered geographical indications under ongoing or future negotiations of</i></p>



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		<p>trade agreements in light of the market situation in each trading partner and the interests of the Member States.</p> <p>3. The Commission takes note of Greece's concerns as to the results regarding the protection of certain geographical indications 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 particular in respect of the Protected Designation of Origin Feta. The Commission recognises that the results achieved regarding the terms covered under CETA Article 20.21, including FETA, provide a level of protection that does not create a precedent for ongoing or future negotiations.</p> <p>4. The Commission confirms its intention, in view of the CETA agreement, to ensure strict implementation of the protection of geographical indications foreseen in this Agreement, <i>inter alia</i>, of its provisions on administrative enforcement, and regarding entities entitled to use exceptions under Article 20.21.</p> <p>5. The Commission commits to make full use of the mechanisms of the CETA Committee on Geographical Indications established under Article 26.2 of the Agreement so as to ensure that Canadian consumers are adequately informed about the intrinsic quality and characteristics of the products covered under CETA Article 20.21.</p> <p>6. The Commission commits within five years at the latest to use the appropriate mechanisms provided within the CETA Agreement, with the aim to achieve for all EU geographical indications listed in Annex 20-A of the Agreement, including Feta, the same level of protection.</p>	<p>trade agreements in light of the market situation in each trading partner and the interests of the Member States.</p> <p>3. The Commission takes note of Greece's concerns as to the results regarding the protection of certain geographical indications 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 particular in respect of the Protected Designation of Origin Feta. The Commission recognises that the results achieved regarding the terms covered under CETA Article 20.21, including FETA, provide a level of protection that does not create a precedent for ongoing or future negotiations.</p> <p>4. The Commission confirms its intention, in view of the CETA agreement, to ensure strict implementation of the protection of geographical indications foreseen in this Agreement, <i>inter alia</i>, of its provisions on administrative enforcement, and regarding entities entitled to use exceptions under Article 20.21.</p> <p>5. The Commission commits to make full use of the mechanisms of the CETA Committee on Geographical Indications established under Article 26.2 of the Agreement so as to ensure that Canadian consumers are adequately informed about the intrinsic quality and characteristics of the products covered under CETA Article 20.21.</p> <p>6. The Commission commits within five years at the latest to use the appropriate mechanisms provided within the CETA Agreement, with the aim to achieve for all EU geographical indications listed in Annex 20-A of the Agreement, including Feta, the same level of protection.</p>

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		<p>7. In view of the possibilities offered under Regulation (EU) No 1144/2014 of the European Parliament and of the Council of 22 October 2014 on information provision and promotion measures concerning agricultural products implemented in the internal market and in third countries, the Commission will continue offering Member States as well as geographical indication producers and exporters, especially the most vulnerable among them, support to promote geographical indications.</p>	<p>7. In view of the possibilities offered under Regulation (EU) No 1144/2014 of the European Parliament and of the Council of 22 October 2014 on information provision and promotion measures concerning agricultural products implemented in the internal market and in third countries, the Commission will continue offering Member States as well as geographical indication producers and exporters, especially the most vulnerable among them, support to promote geographical indications.</p> <p><b>Commission declaration on the continuation of the EU legislation concerning genetically modified products, concerning food, feed and cultivation</b></p> <p>The Commission confirms that CETIA does not imply any change to EU legislation as regards the risk assessment and authorisation, labelling and traceability of genetically modified food and feed as set out in Regulation (EC) 1829/2003 of the European Parliament and of the Council on genetically modified food and feed and Regulation (EC) No 1830/2003 of the European Parliament and of the Council of 22 September 2003 concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms and amending Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC. Regarding genetically modified products for cultivation, the EU authorisation procedure as set out in Directive 2001/18/EC continues to apply and Member States maintain the possibility to restrict or prohibit the cultivation of genetically modified organisms (GMOs) in their territory under the conditions laid</p>

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			<p>down in Directive (EU) 2015/412 of the European Parliament and of the Council of 11 March 2015 amending Directive 2001/18/EC.</p> <p><b>Declaration by the Council and Commission on agriculture in CETA</b></p> <p>The Council and the Commission recall the sensitivity of trade in agricultural products in the European Union's trade negotiations with third countries, in particular with a major agricultural exporter like Canada.</p> <p>The Council and the Commission note that in CETA the European Union has made balanced and limited market access concessions for sensitive products such as beef and pork. These are accompanied by similar concessions by Canada that satisfy important European exporting interests. The new access to the Canadian dairy market that CETA will afford to European producers will play a crucial role for the dairy sector.</p> <p>At the same time, the Council and the Commission note that the European Union has maintained in CETA the level of tariff treatment and retained the ability to use all the safeguard instruments necessary to fully protect sensitive agricultural products in the Union. The safeguard instruments, based on Article XIX GATT and the WTO Agreement on Safeguards, include Regulation (EU) 2015/478 of the European Parliament and of the Council on Common Rules for Imports and Article 194 of the Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products<sup>4</sup> which inter alia require the Commission to act</p>

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<p>4. l'inclusion de normes contraignantes sur le développement durable afin de soutenir les efforts en matière de lutte contre le changement climatique en veillant à ce qu'aucun accord commercial n'entraîne une augmentation des émissions de gaz à effet de serre et puisse avoir « un bilan carbone neutre, ou positif ».</p> <p>(cfr. Point Q de la motion du 14/10).</p>	<p><b>Chapitre 22 (DD) et 24 (environnement).</b></p> <p>Le CETA contient un chapitre « commerce et développement durable », et un chapitre « commerce et environnement ». Ces chapitres rassemblent les règles relatives à l'environnement et font références aux prescrits internationaux en la matière. Néanmoins, aucune sanction n'est prévue en cas de non-respect de ces dispositions.</p> <p>Création d'un forum de la société civile chargé de dialoguer sur la mise en œuvre des aspects DD et environnementaux du CETA.</p> <p>Réaffirmation du Droit des Etats à réglementer dans le domaine environnemental.</p> <p>Engagement des parties quant à la conservation des ressources naturelles.</p>	<p><u>Déclaration interprétative :</u></p> <p>"CETA commits the European Union and its Member States and Canada to provide for and encourage high levels of environmental protection, as well as to strive to continue to improve such laws and policies and their underlying levels of protection.</p> <p>CETA explicitly recognises the right of Canada and of the European Union and its Member States, to set their own environmental priorities, to establish their own levels of environmental protection and to adopt or modify their relevant laws and policies accordingly, mindful of their international obligations, including those set by multilateral environmental agreements. At the same time in CETA the European Union and its Member States and Canada have agreed not to lower levels of environmental protection in order to</p>	<p><u>Instrument :</u></p> <p>"CETA commits the European Union and its Member States and Canada to provide for and encourage high levels of environmental protection, as well as to strive to continue to improve such laws and policies and their underlying levels of protection.</p> <p>CETA explicitly recognises the right of Canada and of the European Union and its Member States, to set their own environmental priorities, to establish their own levels of environmental protection and to adopt or modify their relevant laws and policies accordingly, mindful of their international obligations, including those set by multilateral environmental agreements. At the same time in CETA the European Union and its Member States and Canada have agreed not to lower levels of environmental protection in order to</p>

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		<p>encourage trade or investment and, in case of any violation of this commitment, governments can remedy such violations regardless of whether these violations affect an investment or investor's expectations of profit.</p> <p>CETA includes commitments towards the sustainable management of forests, fisheries and aquaculture. It also includes commitments to cooperate on trade-related environmental issues of common interest such as climate change where the implementation of the Paris Agreement will be an important shared responsibility for the European Union and its Member States and Canada."</p> <p>Note explicative de la Commission sur la portée des chapitres 22, 23 et 24 :</p> <ol style="list-style-type: none"> <li>1. CETA commitments in Chapters 22, 23 and 24 are enforceable through a dedicated dispute resolution mechanism.</li> <li>2. Though the specific provisions on Dispute Resolution in Art 23.11 and in Art 24.16 have differences in wording, the overarching provisions included in the Trade and Sustainable Development Chapter (Art 22.3) commit the Parties to review, monitor and assess the impact of the implementation of CETA on sustainable development in EU and</li> </ol>	<p>encourage trade or investment and, in case of any violation of this commitment, governments can remedy such violations regardless of whether these violations affect an investment or investor's expectations of profit.</p> <p>CETA includes commitments towards the sustainable management of forests, fisheries and aquaculture. It also includes commitments to cooperate on trade-related environmental issues of common interest such as climate change where the implementation of the Paris Agreement will be an important shared responsibility for the European Union and its Member States and Canada."</p> <p>Note explicative de la Commission sur la portée des chapitres 22, 23 et 24 :</p> <ol style="list-style-type: none"> <li>1. CETA commitments in Chapters 22, 23 and 24 are enforceable through a dedicated dispute resolution mechanism.</li> <li>2. Though the specific provisions on Dispute Resolution in Art 23.11 and in Art 24.16 have differences in wording, the overarching provisions included in the Trade and Sustainable Development Chapter (Art 22.3) commit the Parties to review, monitor and assess the impact of the implementation of CETA on sustainable development in EU and</li> </ol>

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<p>5. l'adoption des « listes positives » dans le domaine de la libéralisation des services mentionnant expressément les services à ouvrir aux entreprises étrangères et excluant les services d'intérêt général et services d'intérêt économique général actuels et futurs afin que les autorités</p>	<p>- l'accord protège les services fournis dans l'exercice du pouvoir gouvernemental du champ d'application de l'accord. (Annexe 2) - Les services futurs sont intégralement protégés (Annexe 9b)</p>	<p>Déclaration interprétative conjointe : <b><u>Right to regulate</u></b></p> <p>3. We understand that Article 22.3 provides the same guarantees as Article 24.16. 4. The difference in language in the Trade and Environment Chapter was the result of the different approach of the previous Canadian government between labour and environment issues. 5. Canada and the European Union and its Member States are fully committed to effectively review and assess CETA throughout the life of the agreement. Furthermore, they are committed to initiating an early review of these provisions, including their dispute resolution mechanism, with a view to the effective enforceability of CETA provisions on trade and labour and trade and the environment. 6. Thus the Joint Interpretative Declaration removes any remaining doubt as regards the intentions of the EU and Canada and commits them to initiate immediately a review process with a specific focus on effective enforceability. 7. This is in fact a new, explicit, political commitment by the Parties.</p>	<p>Instrument : <b><u>Right to regulate</u></b></p> <p>3. We understand that Article 22.3 provides the same guarantees as Article 24.16. 4. The difference in language in the Trade and Environment Chapter was the result of the different approach of the previous Canadian government between labour and environment issues. 5. Canada and the European Union and its Member States are fully committed to effectively review and assess CETA throughout the life of the agreement. Furthermore, they are committed to initiating an early review of these provisions, including their dispute resolution mechanism, with a view to the effective enforceability of CETA provisions on trade and labour and trade and the environment. 6. Thus the Joint Interpretative Declaration removes any remaining doubt as regards the intentions of the EU and Canada and commits them to initiate immediately a review process with a specific focus on effective enforceability. 7. This is in fact a new, explicit, political commitment by the Parties.</p>

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<p>nationales et, le cas échéant, locales conservent le droit plein et entier de faire exécuter, d'organiser, de financer et de fournir des services publics afin de garantir aux citoyens européens un accès universel aux services publics. (cfr. Points O, P et U de la motion du 14/10).</p>	<p>- Le droit des Etats à réglementer est réaffirmé (8.9)</p>	<p>CETA preserves the ability of the European Union and its Member States and Canada to adopt and apply their own laws and regulations that regulate economic activity in the public interest, to achieve legitimate public policy objectives such as the protection and promotion of public health, social services, public education, safety, the environment, public morals, social or consumer protection and the promotion and protection of cultural diversity.</p> <p><b>Public Services</b></p> <p><i>The European Union and its Member States and Canada affirm and recognize the right of governments, at all levels, to provide and support the provision of public services including in areas such as public health and education, social services and housing and the collection, purification and distribution of water. They retain the ability to define public services according to their respective legislation.</i></p> <p><i>CETA does not prevent governments from regulating the provision of these services in the public interest. CETA will not require governments to privatise any service nor prevent governments from expanding the range of services they supply to the public.</i></p>	<p>CETA preserves the ability of the European Union and its Member States and Canada to adopt and apply their own laws and regulations that regulate economic activity in the public interest, to achieve legitimate public policy objectives such as the protection and promotion of public health, social services, public education, safety, the environment, public morals, social or consumer protection, privacy and data protection and the promotion and protection of cultural diversity.</p> <p><b>Public Services</b></p> <p>a) The European Union and its Member States and Canada affirm and recognise the right of governments, at all levels, to provide and support the provision of services that they consider public services including in areas such as public health and education, social services and housing and the collection, purification and distribution of water.</p> <p>b) CETA does not prevent governments from defining and regulating the provision of these services in the public interest. CETA will not require governments to privatise any service nor prevent governments from expanding</p>