Briefing

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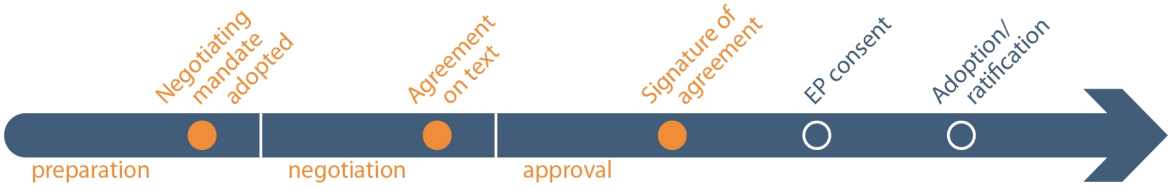
Comprehensive Economic and Trade Agreement (CETA) with Canada

OVERVIEW

EU-Canada negotiations for a Comprehensive Economic and Trade Agreement (CETA) started in May 2009 and were declared concluded at the EU-Canada Summit on 26 September 2014. The agreement's overall aim is to increase flows of goods, services and investment to the benefit of both partners. For the EU, CETA represents the first comprehensive economic agreement with a highly industrialised Western economy.

Except for a few sensitive agricultural products, the agreement would remove practically all tariffs on goods exchanged between the two partners. Canada would substantially open up its public procurement at both federal and sub-federal level, thereby eliminating a major asymmetry in access to each other's public procurement markets. The EU succeeded in securing protection for a large number of European Geographical Indications (GIs) on the Canadian market. Provisions on sustainable development should ensure that trade and investment do not develop to the detriment of, but rather support, environmental protection and social development.

CETA was signed by the EU and Canada on 30 October 2016. The Council decision on signature was only reached after difficult discussions, so that a total of 38 statements and declarations by Member States, the Commission and the Council, as well as a Joint Interpretative Instrument accompany that Council decision. The European Parliament has launched the consent procedure, with Artis Pabriks (EPP, Latvia) as rapporteur. The vote in the Committee on International Trade (INTA) is scheduled for 24 January 2017, and the vote in plenary for the February part-session in Strasbourg (13 to 16 February).



Comprehensive Economic and Trade Agreement between Canada of the one part, and the European Union and its Member States, of the other part (OJ L 11, 14.1.2017)

Committee responsible:	International Trade (INTA)
Rapporteur:	Artis Pabriks (EPP, Latvia)
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Introduction

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EU-Canada negotiations for a Comprehensive Economic and Trade Agreement (CETA) started in May 2009 and were declared concluded at the EU-Canada Summit on 26 September 2014. The agreement's overall aim is to increase flows of goods, services and investment to the benefit of both partners. For the Union, CETA represents the first comprehensive economic agreement with a highly industrialised Western economy.

A comprehensive trade and investment agreement with Canada would overcome the current disadvantage, experienced by EU enterprises on the Canadian markets vis-à-vis US competitors, which benefit from the North American Free Trade Agreement (NAFTA). For Canada, once ratified, CETA would be the most important agreement in terms of trade and investment volumes since NAFTA, and promises to lower its dependency on the US business cycle.

Existing situation

Total trade in goods between Canada and the EU grew to €64 billion in 2015, making Canada the EU's eleventh most important trade partner. In turn, the EU is Canada's second most important trade partner, after the USA. Machinery, transport equipment and chemicals are the EU's most important exports, while imports are dominated by precious metals, machinery and mineral products. Trade in services – mostly transport, insurance and communication services – amounted to €27.9 billion in 2014 (EU surplus: €5.1 billion). With €165.9 billion (2014) Canada was the third largest investor in the European Union (after the USA and Switzerland). European foreign investment in Canada reached €274.7 billion, making this country the fourth most important investment destination.

Trade with Canada is currently based on the WTO framework (GATT, GATS, TRIPS). Both the EU and Canada are party to plurilateral agreements on trade in civil aircraft,

government procurement and the Information Technology Agreement. They have concluded a number of bilateral agreements on issues like air transport, trade in wine and spirits and sanitary issues to protect public and animal health in respect of trade in live animals and animal products. Canada has bilateral investment treaties (BITs) with eight Member States,[1] which would be replaced by CETA. It has bilateral Free Trade Agreements with Chile, Colombia, Costa Rica, Honduras, Israel, Jordan, South Korea, Panama and Peru and is a member of the North American Free Trade Agreement, together with the USA and Mexico.

EU negotiation objectives

The Council authorised the Commission to open negotiations for an Economic Integration Agreement with Canada on 24 April 2009. After the coming into force of the Lisbon Treaty which included foreign direct investment in common commercial policy and hence in exclusive EU competences, the Council modified the negotiation mandate on 14 July 2011 to include investment and investment protection. Both documents were made public in December 2015.

Parliament's position

The negotiations for CETA began in May 2009, before the Treaty of Lisbon extended the European Parliament's competence regarding the EU's common commercial policy. Since 1 December 2009, Parliament has actively monitored the negotiations and voiced its ideas throughout the process, especially through its resolution of 8 June 2011 on EU-Canada trade relations. Not least thanks to the pressure exerted by the European Parliament, including after the CETA negotiations had been declared concluded, the investment provisions were changed substantially, so that the consolidated version of the CETA text contains the new investment court system (ICS) to replace the previous investor state dispute settlement (see below).

Preparation of the agreement

A 2008 joint study by the European Commission and the Government of Canada estimated the annual real income gain to be approximately €11.6 billion for the EU and €8.2 billion for Canada (within seven years of implementation of an agreement). EU exports to Canada are expected to increase by 24.3 %, or €17 billion, while Canadian exports to the EU would increase by 20.6 %, or €8.6 billion. Liberalisation of trade in services is assessed as contributing substantially to GDP gains (50 % of the total gains for the EU and 45.5 % for Canada); the remaining gains are to come from the elimination of tariffs and from a reduction in trade costs thanks to lower non-tariff barriers.

The 2011 Sustainability Impact Assessment carried out for the European Commission expects CETA to lead to overall gains in welfare, total exports, real GDP and wages in both Canada and the EU. For Canada, gains in exports are likely to stem from the removal of tariffs, while for the EU the removal of barriers to trade in services was found to be more important. Third countries are predicted to experience minor welfare losses, though the overall effect on their GDP is assessed as insignificant.

Regarding public consultations, the Commission gathered information in May 2009 through an extensive questionnaire, to serve as guidance for the negotiations. Moreover, it carried out an online public consultation in July 2014 on investment protection and investor-state dispute settlement (ISDS) clauses, submitting 12 questions and a general overview of the issue to the general public. The consultation, conducted in the context of the negotiation of the Transatlantic Trade and Investment Partnership (TTIP), took the

relevant passages from CETA (before they were changed, see below) as a reference. The consultation received some 150 000 replies, most of them quite critical of the issue.

Negotiation process and outcome

CETA has 1 598 pages. It covers 30 chapters, followed by annexes to those chapters, where the number of the annex indicates the chapter it refers to (Annex 2-A belongs to chapter 2 etc.). Furthermore, there are three protocols (on rules of origin, mutual acceptance of conformity assessments and mutual recognition of compliance for good manufacturing practices for pharmaceuticals) and three annexes on schedules of reservations indicated by Roman ciphers (Annex I, Annex II and Annex III). An official table of contents is not offered, however a useful (unofficial) index/structure is available.

In principle, trade in goods and services is liberalised, except in cases when reservations/exceptions have been scheduled. These reservations/exceptions can be found in the main chapters as well as in the different annexes. When reservations are introduced in the main chapter, they often concern the whole scope of the chapter, while the reservations in the annexes contain exceptions to the obligations the parties agreed on in the main chapters on trade in services and investment. In particular, Annex I contains reservations for existing measures and liberalisation commitments, Annex II, reservations for future measures, while Annex III has further provisions on financial services. Reservations for the EU are either valid for the EU as a whole or, when indicated as such, for individual Member States. In turn, Canada has placed reservations for the whole of Canada or for individual provinces or territories. Reservations for Canada have a specific number; those for the EU are not numbered.

The EU and Canada opted for the 'negative list' approach. This means that unless a reservation is explicitly taken up, trade and investment are liberalised. This means that the partners give market access, national treatment and most-favoured nation (MFN) status to enterprises and investors from the partner area. Market access excludes imposing quantitative measures limiting the number of foreign enterprises, an investment's value, the quantity of output, the extent of foreign capital participation, or the number of employees. Conceding market access bans quotas, monopolies, exclusive rights, and economic needs tests (i.e. a foreign competitor is only permitted if there is a proven economic need for a new competitor entering the home market). It also forbids prescribing a certain legal form for a foreign enterprise. National treatment assures that foreign enterprises are treated by governments no less favourably than domestic ones. MFN stipulates that an enterprise from the partner country is treated no less favourably than an enterprise from any third country in like situations (i.e. enterprises from the EU and Canada always get the best available treatment in the partner area).

Reservations in Annex 1 are subject to standstill and ratchet effects. Standstill means that no restrictions other than those contained in the reservation can be applied in the future (i.e. the current status of liberalisation is locked in). Ratchet means that future liberalisation measures cannot be taken back. Reservations taken up in Annex II are subject to standstill, but not to the ratchet effect, enabling a 'policy space' for possible future changes in e.g. liberalisation policy. Standstill and ratchet provisions are not explicitly mentioned in the annexes (as is, for example, the standstill for trade in goods in Article 2.7) but are effective due to the specific formulations in the chapters on investment (Article 8.15) and cross-border trade in services (Article 9.7).

The changes the agreement would bring

CETA regulates trade in goods and services as well as investment relations between the EU and Canada. It further deals with topics such as Rules of Origin (RoO), sanitary and phytosanitary rules (SPS), technical barriers to trade (TBT), customs and trade facilitation, intellectual property rights (IPR), regulatory cooperation, sustainable development and government procurement. CETA also establishes a number of joint committees to accompany the implementation and the further development of rules initiated by CETA.

Trade in goods

Except for a few sensitive agricultural products, the agreement would remove practically all tariffs on goods exchanged between the two partners, and create considerable new market opportunities in, among other areas, financial services, telecommunications, energy and maritime transport, while reserving the parties' right to regulate their internal public affairs.[2] While customs on the majority of tariff lines are to be eliminated immediately upon the date of entry into force, liberalisation of trade in certain sensitive agricultural products happens over time – in stages specified in Annex 2-A.

Trade in services: public services and utilities

There is no separate chapter on public services. However, CETA introduces a public sector carve-out (Articles 8.2 and 9.2), which exempts 'services supplied in the exercise of governmental authority' from the application of the chapter on trade in services and certain elements of the investment chapter, upon the condition that they are not carried out – neither on a commercial basis, nor in competition with one or more economic operators.[3] As these conditions significantly limit the scope of the carve-out, the EU introduced additional reservations for specific public services, such as health, social and education services, postal services, public utilities, collection and purification of water, educational services, human health services and social services,[4] in order to be able to further regulate these services even when they are offered in a competitive way (and thus do not fall under the public sector carve-out) or to provide, for the reservations placed in Annex II, for the possibility to re-nationalise services at some point in the future.

Novelties in the investment chapter

CETA introduces several novelties in the investment chapter. It reaffirms the parties' right to regulate 'to achieve legitimate policy objectives, such as protection of public health, safety, the environment or public morals, social or consumer protection or the promotion of cultural diversity'. New public policy measures are also better protected against potential claims by foreign investors, as negative effects on an investment or on investor's expectations, including the expectations of profits, do not by themselves give grounds to a claim against the regulating country (Article 8.9). Moreover, CETA specifies investment protection standards to bind future members of investment tribunals. In particular, a breach of 'fair and equitable treatment' must comprise a denial of justice in criminal, civil or administrative proceedings; fundamental breach of due process, including a fundamental breach of transparency, in judicial and administrative proceedings; manifest arbitrariness; targeted discrimination on manifestly wrongful grounds, such as gender, race or religious belief; or abusive treatment of investors, such as coercion, duress and harassment. In the future, the parties may adopt further specifications on what might constitute a breach of fair and equitable treatment (Article 8.10). Furthermore, CETA clarifies what constitutes 'indirect expropriation', to avoid claims against legitimate public policy measures (Article 8.12 and Annex 8-A).

The investment court system

In an unprecedented move in EU trade policy, the European Commission was able to agree with Canada, (and this long after the negotiations were declared concluded), to replace the, already reformed, investor-state dispute settlement (ISDS) system with the new investment court system (ICS). The ICS was presented by the Commission in September 2015 and finally proposed to the USA in November 2015 for the ongoing TTIP negotiations. The ICS is to be a double instance, 'court-like system with an appeal mechanism', actionable only under specific conditions, composed of publicly appointed judges following transparent proceedings, and is set to address concerns over earlier provisions on investment protection and ISDS. The Commission expects a 'more cost effective and faster investment dispute resolution system' and foresees preferential rules for small and medium-sized companies (e.g. modifications to the 'loser-pays' principle) in order to make the system more accessible.

Eliminating the asymmetry in access to public procurement

With CETA, Canada would substantially open up its public procurement at both federal and sub-federal level, thereby eliminating a major asymmetry in access to each other's public procurement markets (Chapter 19 and Annexes 19-1 to 19-8). CETA provisions go beyond commitments stemming from the WTO Government Procurement Agreement (GPA), to which both Canada and the EU are parties. Public procurement is exempted from some commitments taken in other chapters of CETA, such as the rules of the trade in services and the rules on performance requirements in the investment chapter (Articles 8.5 and 9.2).

Geographical indications

Chapter 20 on intellectual property has a section on geographical indications (GIs). The EU succeeded in securing protection for a large number of European GIs on the Canadian market. Annex 20-A lists a total of 173 geographical indications for products originating in the EU. This list can be amended by mutual consent in the future (Article 20.22).

Sustainable development: trade and labour

Chapter 22 on trade and sustainable development comprises overarching principles for chapters 23 (trade and labour) and 24 (trade and environment). CETA recognises multilateral labour standards and agreements such as those taken up by the 1998 International Labour Organization (ILO) Declaration on Fundamental Principles and Rights at Work, in particular: the freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labour; the effective abolition of child labour; and the elimination of discrimination in respect of employment and occupation (Article 23.3). Parties also support internationally-recognised standards of corporate social responsibility (Articles 22.3 and 24.12). Moreover, a dispute resolution mechanism based on government consultation and a panel of independent experts is foreseen: Articles 23.10 and 23.11 for disputes concerning trade and Labour and Articles 24.15 and 24.16 for trade and environment disputes.

Regulatory cooperation and institutional provisions

Chapter 21 on regulatory cooperation will build on the former Government of Canada-European Commission Framework on Regulatory Cooperation and Transparency to explore ways to further enhance regulatory cooperation on a voluntary basis 'without limiting the ability of each Party to carry out its regulatory, legislative and policy activities'.

Article 21.2 further clarifies that 'a Party is not required to enter into any particular regulatory cooperation activity, and may refuse to cooperate or may withdraw from cooperation'. The chapter foresees a 'Regulatory Cooperation Forum (RCF)' co-chaired by senior representatives of both contracting parties. Dialogues and bilateral cooperation in the areas of biotechnology, trade in forest products and raw materials (Chapter 25), among others, will also be co-chaired by both parties. The CETA Joint Committee, co-chaired by the Canadian Minister for International Trade and the EU Trade Commissioner, will assemble representatives from both partners, to 'supervise and facilitate the implementation and application' of the agreement and oversee 'the work of specialised committees and other bodies established under CETA' (Chapter 26).

Stakeholders' views

This section aims to provide a flavour of the debate and is not intended to be an exhaustive account of all different views on the agreement. Additional information can be found in related publications listed under 'EP supporting analysis' and 'other sources'.

CETA has given rise to lively public debate. Some of the criticisms are directed specifically at this agreement, others seem to be more concerned with the Transatlantic Trade and Partnership (TTIP) currently being negotiated with the USA. Some regard CETA as a kind of 'Trojan horse' mechanism for US companies to take advantage of CETA through their Canadian subsidiaries and therefore would like to 'stem the tide' against all transatlantic trade and investment agreements. Others, like the INTA chair, argue that CETA should be judged on its own account, or stress the history of common values between the two partners and their similar views on the role of government in the economy.

Some commentators dispute the positive effects of CETA as modelled by the official impact assessment. Nevertheless, the Commission points to the very positive development of European exports, five years after the Free Trade Agreement with South Korea had been put in place, as well as the strong EU position in international trade in services, the area where, given the already quite low tariffs on most goods, significant economic opportunities are to be expected.

Criticisms are concentrated on provisions on regulatory cooperation, trade in services, investment protection, sustainable development and their potential influences on, among others, workers' and social rights, consumer and environmental protection, democratic control and the ability of federal and local governments to regulate in the public interest. Similar concerns are voiced on both sides of the Atlantic. The debate also has a more general, fundamental dimension about the way trade agreements are currently approached and negotiated.

Regulatory cooperation. Opponents fear that possible future harmonisation and mutual recognition of rules could lead to the erosion of high European standards in consumer, health and environmental protection. As the parties may by mutual consent invite other interested parties to participate in the meetings of the Regulatory Cooperation Forum, opponents to CETA fear the possibility that representatives of industrial interests could make their case in the very early stages of the regulatory process and hence influence regulation very effectively. Similarly, the 'Dialogue on Biotech Market Access Issues' (Article 25.2) is seen as a threat to strict rules on food and feed containing genetically modified organisms (GMOs), eroding the precautionary principle as the basis for the European approach to regulation. The Commission, however, argues that CETA will not affect EU rules on food safety or the environment, and that the Regulatory Cooperation Forum (RCF) will set the stage for voluntary cooperation, but will not be able to change

existing legislation and/or restrict the decision-making powers of regulators in Member States or at EU level. The German Federal Ministry of Economics (BMWi) points to the various de facto references to the precautionary principle within CETA, and to Canada as a country often acting on the precautionary principle when taking regulatory measures.

Labour and social standards. Trade unions highlight that Canada has not ratified ILO Convention No 98 (Collective Bargaining). Nevertheless, Canada is party to seven of the eight core ILO conventions, as it ratified Convention No 138 (minimum age) in June 2016. It is reported to be considering ratifying Convention No 98. The BMWi explains that basic principles of that ILO convention are already enshrined in Canadian labour law. Furthermore, trade unions deplore that labour and social standards in CETA's provisions on sustainable development are not covered by the (state-to-state) dispute settlement (Articles 23.11 and 24.16). Nevertheless, this has also been the case for former EU trade agreements, so this point appears to constitute a (longer-term) political objective, rather than a CETA-specific criticism.

Transparency of the negotiations and democratic control. Trade unions join other voices in denouncing the exclusion of civil society groups from CETA and that national and the European Parliament(s) were not given a sufficiently prominent voice in a negotiation process judged to have been opaque and not inclusive. In this respect, the Commission points to various civil society dialogue meetings and to the fact that Member States (through the Council) and the European Parliament were kept informed at all times during the negotiations. The text of CETA was published very soon after an agreed text was available, i.e. after the negotiations had been declared concluded, and can now be debated by the democratically elected European and national parliaments, as well as by Member States' governments. For ongoing trade negotiations, European institutions have significantly enhanced information provided to both the public and national parliaments. Detailed reports after each round of TTIP negotiations, as well as increased parliamentary access to negotiating texts, are signs of this greater transparency. On a more general note, the European institutions are currently discussing a 'more citizen-friendly formula' for negotiating EU trade policy.

Investment protection. Some commentators acknowledge the changes to dispute settlement introduced by the new investment court system (ICS) – however, continue to judge the improvements in the definition of 'fair and equitable treatment (FET)' and 'indirect expropriation' as insufficiently conclusive, and even expect a sharp rise in investor claims. Some are in principle against special arrangements for foreign investors and judge that domestic judicial procedures are the right way to deal with investment disputes. Nevertheless, a study commissioned by the BMWi finds investor protection in CETA falling behind national (German) and European Union law, and therefore does not see the domestic right to regulate as constrained by CETA. Moreover, Member States have mandated the Commission to include such provisions into CETA to ensure positive effects of incoming investment for all Member States. If they now do not wish to include those provisions into (provisional) application (see below), there will be no consistency with respect to investment protection across the EU. Canadian investors can be expected to discriminate among Member States according to the domestic judicial system they find the most appealing, or where they are prepared to pay the 'threshold costs' of familiarising themselves with the national judicial systems.

Trade in services – public services. The public-sector carve-out and the reservations taken up for specific public services (see above) are assessed by some commentators as

insufficient and imprecise, and not effectively sheltering public services from liberalisation pressures. Moreover, the negative-list approach is criticised as complicated, risking important areas that would have warranted inclusion, being overlooked. However, the Commission together with the Canadian government, as well as the BMWi, point to the fact that CETA does not oblige Member States to liberalise services and public utilities (e.g. services related to water) and also caters for the possibility to go back on earlier steps in liberalisation (see above). Nevertheless, if a democratically elected government takes a decision to liberalise a service, it is allowed to do so.

Signature and ratification process

On 5 July 2016, the Commission made three proposals for Council decisions with respect to CETA: to sign the agreement, on provisional application, and on conclusion. The Commission decided to present CETA as a '**mixed agreement**'. 'Mixed agreements' contain elements of both EU and Member State competences and therefore have to be ratified by both the EU and Member States to enter into force. As each Member State follows its own national ratification procedure, this involves the approval of national parliaments in each Member State, as well as around a dozen regional parliaments (either directly or through their representation in national chambers).

A major point of discussion is provisions on investment. Concerning foreign investment, Article 207 TFEU makes foreign direct investment (FDI) part of the Common Commercial Policy and therefore an exclusive EU competence, but does not mention other forms of investment, e.g. portfolio investment. Foreign investment is usually divided into foreign direct investment (FDI), where the foreign investor takes a long-term perspective and wants to influence management decisions within the company abroad (thus wants to exert direct control), and portfolio investment where this is not the case. Member States argue that portfolio investment is not part of exclusive EU competence, as it is not mentioned in Article 207 TFEU, whereas the Commission sees the EU competence on FDI 'complemented by an implied competence on portfolio investments derived from the internal market chapter on free movement of capital'.

To clarify the situation, the Commission decided in 2014 to request the opinion of the Court of Justice of the EU (CJEU) on the competence of the EU to sign and conclude the EU Free Trade Agreement with Singapore. The Commission asked which provisions of the agreement would fall under exclusive or shared EU competences and whether the agreement would contain provisions that fall under the exclusive competence of Member States. In her opinion of 21 December 2016, the Advocate General argues that the agreement should be a mixed one. While this opinion is not binding, in most cases, the CJEU follows the Advocate General's opinion. The ruling is expected in early 2017.

CETA was **signed** by the EU and Canada at the EU-Canada summit on 30 October 2016. The date initially planned for signature (27 October) turned out to be untenable as the government of the Belgian region of Wallonia was hesitant to authorise the Belgian federal government (acting for the whole of Belgium in the Council of the EU) to support the Council decision for signature. Eventually, a compromise was found which paved the way for the adoption of the Council decision for signature on 28 October.

Part of that compromise was to include a specific declaration by Belgium in the Council minutes. Belgium underlines the right of each party to end provisional application (see below) according to Article 30.7 of CETA. It also declares the intention to approach the CJEU to clarify whether the planned Investment Court System (ICS) is compatible with the

EU Treaties. Should Belgium's federated entities (such as the region of Wallonia) find themselves incapable of ratifying the agreement, the declaration makes such a decision binding for the Belgian federal government.

The Belgian declaration is one of 38 statements and declarations by Member States, the Commission and the Council accompanying the decision on signing CETA. Moreover, the Joint Interpretive Instrument declares the negotiating parties' understanding that CETA does not, among other things, limit countries' rights to regulate or endanger public services, workers' rights and environmental protection. It contains a direct reference to Article 31 of the Vienna Convention on the Law of Treaties, so that the document has legal value when interpreting CETA in the future. The Council Legal service highlights this point in one of the above-mentioned statements in the Council minutes.

Together with the decision on signature, the Council also decided in favour of **provisional application**, upon the condition of prior consent by the European Parliament (see below). By proceeding as such, the Council follows the established practice that politically important trade agreements are not applied provisionally before the European Parliament has given its consent, even though the Treaties give the formal right to decide on provisional application to the Council alone. Practically, provisional application follows a mutual notification (e.g. by an exchange of letters) between both parties indicating they intend to provisionally apply the agreement, after having completed their internal procedures enabling them to do so (Article 30.7).

Provisional application can only cover those parts of the agreement falling under the EU's exclusive competence. Hence, the Council decision excludes, among other parts, investment protection and the Investment Court System as well as certain elements of the chapter on financial services, from provisional application. The Council envisages provisional application as of 1 March 2017.

The Treaties do not contain provisions as to how long provisional application can last. However, the Council states, that 'if the ratification of CETA fails permanently and definitively because of a ruling of a constitutional court, or following the completion of other constitutional processes and formal notification by the government of the concerned state, provisional application must be and will be terminated. The necessary steps will be taken in accordance with EU procedures'. The Commission explains that while the exact (internal EU) procedures for such a termination of provisional application are not yet defined, they would surely require a Council decision, so that Member States would not be able to opt out of provisional application by unilateral action.[5]

The Council can only **conclude** the agreement on behalf of the European Union after consent by the European Parliament. To this end, it has forwarded the proposal for conclusion to Parliament which has launched the consent procedure. As lead committee, the International Trade Committee (INTA) has nominated Artis Pabriks (EPP, Latvia) as rapporteur. The Committee of Foreign Affairs (AFET), the Committee on Employment and Social Affairs (EMPL) as well as the Committee on Environment, Public Health and Food Safety (ENVI) have already given their opinions. While the EMPL committee did not support CETA, the AFET and ENVI committees recommend that the European Parliament gives its consent. At the time of writing, the vote in INTA is scheduled for 24 January 2017, the vote in plenary for the February part-session in Strasbourg (13 to 16 February).

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Endnotes

[1] Croatia, Czech Republic, Hungary, Latvia, Malta, Poland, Romania and Slovakia.

[2] The right to regulate is taken up in the preamble and as such is to guide potential future interpretations of CETA. It is also incorporated into provisions on investment protection (Art. 8.9), financial services (Art. 13.16), regulatory cooperation (Art. 21.2), trade and labour (Art. 23.2) as well as trade and environment (Art. 24.3).

[3] CETA's public-sector carve-out is similar to that in GATS.

[4] Individual Member States (Germany in particular) listed additional reservations for their public services.

[5] Termination of provisional application must in any case follow the procedure set out in CETA (Article 30.7).

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Second edition. The 'International Agreements in Progress' briefings are updated at key stages throughout the process, from initial discussions through to ratification. To view earlier editions of this briefing, please see: PE 593.491, 26 October 2016.