Deposition: Mr. Alex Bodry

June 7, 2016

**MOTION**

The Chamber of Deputies

**Notes:**

1) That the Comprehensive Economic and Trade Agreement (CETA) between Canada and the European Union was finalised on September 26, 2014 at the Ottawa Bilateral Summit;

2) That the European Trade Commissioner Cecilia Malmström and the Minister for International Trade for Canada, Ms. Chrystia Freeland, said on February 29, 2016 that the legal review of the English text of CETA was completed;

3) That it is for the Council to approve the signing of CETA and its provisional implementation

before it comes into force, as provided in Article 218 (5) of the Treaty on the Functioning of

the European Union ;

4) That it is not yet definitively clarified whether CETA is to be regarded as a mixed agreement,

and that 21 national parliaments, including the Chamber of Deputies, sent a letter in June 2014 to the European Commissioner for International Trade pleading for recognition that CETA requires a mixed agreement;

5) That the European Commission has heard repeatedly, and notably through written statements to the Committee of "International Business" of the European Parliament, that the Trade Commissioner intends to submit to the Council a decision in favour of provisional implementation of the CETA trade agreement, following assent from the European Parliament and before eventual ratification of the agreement by Member States;

6) That the European Commission confirmed at the meeting of the Foreign Affairs Council -

Trade, dated 13 May 2016, its intention to present a proposal for decision on signing CETA in June 2016;

7) That in its Government Programme, the Government is committed to "work in the context of multilateral trade negotiations for the inclusion of responsible and ambitious social and environmental standards, as it will ensure consistency of economic, political, social and environmental ambitions ";

8) That a parliamentary motion, passed November 18, 2015, invited the Government to

oppose the EU Council in any process leading to implementation of CETA, as the highly controversial provisions for the Settlement of Disputes between investors and States (ISDS / ISDS) initially proposed were to be retained;

9) That following widespread criticism, the original provisions of the ISDS / ISDS have been replaced by an improved judicial system that is more transparent, stable and possibly more appealing,

called the Investment Court System (ICS / ICS);

10) That while the European Commission believes that the ICS / ICS is compatible with the European Treaties, the German Association of Judges (Deutscher Richterbund) and the European Association of Magistrates have issued opinions vehemently opposing this view;

**Believes:**

11) That it is in the interest of all concerned that the controversial legal questions be clarified;

12) That a broad democratic debate should take place in national parliaments and that CETA is

clearly a mixed agreement requiring the consent of national parliaments, calls on the Government to:

**Invites the Government:**

- To support within the EU Council any attempt to clarify the controversial legal issues;

- To vote against any proposed decision of the European Commission if it insists on an agreement

 within the exclusive competence of the European Union;

- To continue to insist to the Council on the mixed nature of the agreement CETA / AACC to ensure

 the national parliaments have a say in respect of ratification;

- To also insist on the vote in the European Parliament before any eventual provisional

 Implementation of CETA / AACC;

- To ensure the independence and impartiality of members on the permanent investment court

 under CETA / AACC. These people must have the same qualifications as members of the

 International Court of Justice and must be ethically irreproachable, so that their total

 Independence and impartiality are guaranteed. To this end, a binding code of conduct for

 members of the tribunal, including regulations to prevent conflicts of interest, should be

 established;

- To consult the Foreign Affairs Committee in order to discuss the Government's position,

 before any decision is taken within the EU Council on the proposals for CETA

 ratification put forward by the European Commission to the Council.