II

(Non-legislative acts)

DECISIONS

COUNCIL DECISION (EU) 2020/678

of 18 May 2020

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) 2017/37 ([1]) 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 part ([2]) ('the Agreement'). The Agreement was signed on 30 October 2016.

(2) Council Decision (EU) 2017/38 ([3]) 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.

(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,

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([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).

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 Committee ([4]).

Article 2

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

Done at Brussels, 18 May 2020.

For the Council
The President
G. GRLIĆ RADMAN

([4]) See document ST 6964/20 on http://register.consilium.europa.eu