

12/05/2016

Dear Ministers,

This Friday the Foreign Affairs Council will discuss a draft EU-Canada comprehensive economic and trade agreement (CETA), with a view to signing the agreement at a summit in October.

A future decision in the Council on the signing of CETA may be accompanied with a decision to provisionally apply the agreement. We call upon you to oppose provisional application of CETA in the discussions on Friday:

- The Council is not required to provisionally apply CETA, but has the option to do so in cases of urgency. There is, however, no urgency to provisionally apply CETA. There are no looming environmental or social disasters if CETA would *not* be provisionally applied and commercial relations between the EU and Canada are already very strong. On the contrary, provisional application will actually have negative consequences for social and environmental protection in Europe. We therefore ask you to exercise **prudence** and oppose provisional application of CETA while awaiting the normal domestic ratification procedures for this agreement.
- There is, moreover, considerable legal uncertainty over the powers of the EU to provisionally apply the agreement in the first place. The EU may not have the power to provisionally apply the entire agreement, and it may also affect the powers of the Member States in areas of shared competences. In light of this **legal uncertainty**, the Council should not risk intruding upon the powers of the Member States by taking hasty decisions on provisional application.
- Lastly, there are insufficient guarantees that the European Parliament will be properly involved. There is therefore **inadequate democratic scrutiny** by elected representatives of citizens in the EU in this far-reaching decision to provisionally apply this agreement. Bearing in mind the lack of transparency in the negotiating process, and the lack of *direct* accountability of the Council members to citizens in the EU, provisional application without a proper public debate will further undermine the legitimacy of the EU's trade policy

With such a controversial agreement, we call upon you to be prudent. There is no urgency justifying provisional application of CETA as CETA will not avert any immediate environmental, social, or economic disasters. We ask you therefore to simply await the normal domestic ratification procedures and oppose CETA's provisional application.

Yours sincerely,

Bart Staes and Philippe Lamberts, members of the European parliament