

That Seanad Éireann,

- **Being concerned**

- That the European Commission proposal that EU member states should sign or support, in the coming weeks, an agreement allowing 'provisional application' of the Comprehensive Economic Trade Agreement (CETA) between Canada and the EU.

- **Notes:**

- That CETA is one of a 'new generation' of trade agreements which includes the Transatlantic Trade and Investment Partnership (TTIP) and that the EU Trade Commissioner has described CETA as a 'milestone' and the "most ambitious Trade Agreement the EU has ever concluded".
- That CETA would introduce, for the first time in Ireland, an Investor Court System which could place significant charges on public funds.
- That there has been a lack of clear public communication as to the exact or agreed scope of 'provisional application' in relation to CETA.
- That an important case is currently being taken at the European Court of Justice (ECJ) regarding the EU-Singapore Free Trade Agreement and whether member state ratification is required for its implementation. A ruling is expected in 2017.
- That the Irish Government has acknowledged that "the outcome of this case will have an impact on the scope of provisional application" of CETA.
- That, given this anticipated change in the scope of provisional application, the Irish Government is not in a position to fully assure the public that provisional application will not open Ireland up to potential investor court system procedures.
- That according to Article 30.8.4 of CETA, should either the EU or Canada terminate provisional application of CETA, companies would still have three years during which they could use investor court system mechanisms to sue member states, including Ireland.
- That there has not as yet been appropriate impact assessment as to the potential implications of CETA across a number of key areas, including Public Procurement.
- That although the precautionary principle is an important aspect of EU regulatory practice, the term 'precautionary principle' does not appear anywhere in CETA.

- **Recognises:**

- That strong public concern has been expressed within Ireland and across Europe in relation to CETA and similar 'new generation' trade agreements such as TTIP. This includes serious concerns raised by health organisations and those working in the food sector, growing community activism and firm opposition to CETA from environmental groups and unions including the Irish Congress of Trade Unions.
- That there is strong opposition to CETA amongst local authorities across the EU, and in Ireland a growing number of local authorities including Clare County Council and Dublin City Council have declared themselves 'CETA/TTIP free zones'.

and

- **Calls on the Irish Government:**

- To neither agree to sign up or authorise 'provisional application' of the Comprehensive Economic Trade Agreement (CETA) or any associated invocation of Article 218.5 of the Treaty on the Functioning of the EU.
- To uphold Article 29.5.2 of the Constitution which states "The State shall not be bound by any international agreement involving a charge upon public funds unless the terms of the agreement shall have been approved by Dáil Éireann".

Proposer: Senator Alice-Mary Higgins,

Supported Senator Grace O'Sullivan, Senator Lynn Ruane, Senator Frances Black, Senator Colette Kelleher