

Declaration by the Kingdom of Belgium on the Terms of the Authority Granted to it by the Federal Government and the Federated Entities to sign CETA

A. Belgium states that, in accordance with its constitutional law, a finding that the CETA ratification process has failed permanently and definitively, as defined in the Council Declaration of 10/18/16, may result from the consent procedures engaged either at the federal parliament level or at the level of each of the parliamentary assemblies of the Regions and Communities.

The authorities concerned will conduct at regular intervals, each within its own jurisdiction, an assessment of the socio-economic and environmental impacts of the provisional application of CETA.

In the event that one of the federated entities informs the federal government of its final and permanent decision not to ratify CETA, the federal government will notify the Council, at the latest within a period of one year from the notification by that entity, of the final and permanent inability of Belgium to ratify CETA. The necessary steps will be taken in accordance with EU procedures.

B. Belgium has noted that the provisional application of CETA does not extend to various CETA provisions, particularly with regard to investment protection and dispute settlement (ICS), in accordance with the Council Decision concerning the provisional application of CETA. Belgium has also noted the right of each party to terminate the provisional application of CETA, in accordance with its Article 30.7.

Belgium will request an Opinion from the European Court of Justice on the compatibility of the ICS with the European Treaties, in particular in the light of Opinion 1/94.

Unless otherwise decided by their respective parliaments, the Walloon Region, the French Community, the German-speaking Community, the French-speaking Community Commission and the Brussels-Capital Region do not intend to ratify CETA on the basis of the system for dispute settlement between investors and parties set out in Chapter 8 of CETA, as it stands on the day of the signing of CETA.

The Flemish Region, the Flemish Community and the Brussels-Capital Region welcome in particular the joint declaration by the European Commission and the Council of the European Union regarding the Investment Court System.

C. The statement by the Council and the Member States regarding decisions of the Joint CETA Committee on regulatory cooperation in matters within the jurisdiction of the Member States confirms that those decisions must be taken by common agreement between the Council and its Member States.

In this connection, the governments of the federated entities indicate that, for matters in their exclusive or partial jurisdiction within the Belgian constitutional system, they intend to make any co-operation in regulatory matters subject to the prior agreement of their parliaments, and to notify any regulatory decision resulting therefrom.

D. The federal government or a federated entity with jurisdiction in agriculture reserves the right to activate the safeguard clause in the event of a market imbalance, also when this imbalance is identified for a single product. Precise thresholds will be determined within 12 months after the signing of CETA, defining what is meant by market imbalance. Belgium will defend the thus determined thresholds in the framework of the European decision-making process.

Belgium reaffirms that CETA will not affect the European Union's legislation regarding the authorisation, marketing, growing, and labeling of GMOs and products obtained by new reproductive technologies, and in particular the possibility for Member States to restrict or prohibit the cultivation of GMOs on their territories. Moreover, Belgium reaffirms that CETA will not prevent guaranteeing the application of the precautionary

principle in the European Union as defined in the Treaty on the Functioning of the European Union and, in particular, the precautionary principle set out in section 191 and taken into account in Article 168, paragraph 1, and in Article 169, paragraphs 1 and 2 of the TFEU

In case of a demand regarding geographical indications (AOP or IGP) from a federated entity, the federal government commits itself to transmitting it without delay to the European Union.