

RESOLUTION

of the Sejm of the Republic of Poland

of 6 October 2016

on the Comprehensive Economic and Trade Agreement (CETA) between Canada, on the one hand, and the European Union as well as its Member States, on the other hand

The Sejm of the Republic of Poland,

- recognising the importance of trade and investment cooperation between the European Union and third states as well as its benefits for the Polish economy,
 - bearing in mind the finalisation of the negotiations on the Comprehensive Economic and Trade Agreement (CETA) between Canada, on the one hand, and European Union as well as its Member States, on the other hand, hereinafter referred to as the CETA Agreement, and the draft decisions submitted by the European Commission regarding the signing, the conclusion and the provisional application of this Agreement,
 - in order to secure Polish interests in trade agreements negotiated by the European Union so that their final shape is beneficial for Polish companies and citizens,
- is of the opinion that the CETA Agreement includes matters lying within the competence of the EU Member States, which means that this Agreement should be considered a mixed agreement.

Consequently, for its conclusion and full entry into force it is necessary to carry out approval procedures in accordance with the requirements and the internal legal order of the individual EU Member States.

Pursuant to the Polish constitutional system, in order for the CETA Agreement to become binding, it should be ratified with prior consent granted by statute, since the Agreement refers to issues governed by statute or requiring the adoption of statute. Therefore, pursuant to Article 90 (2) of the Constitution of the Republic of Poland, a statute granting consent for the ratification of the aforementioned international

Agreement should be adopted by the Sejm by a majority of 2/3 votes in the presence of at least half of the statutory number of Deputies and by the Senate by a majority of 2/3 votes in the presence of at least half of the statutory number of Senators. At the same time, the Sejm of the Republic of Poland takes the view that the CETA Agreement provisions may only be provisionally applied insofar as they are related to matters lying within the competence of the European Union.

Moreover, in relation to other agreements the Sejm of the Republic of Poland calls upon the Government of the Republic of Poland to carry on with its efforts in accordance with the adopted course, and to take up further intensive work to draw up final provisions of the agreement, which should be as favourable as possible and which should ensure benefits to Polish entrepreneurs and citizens as well as secure the economic interest of the Republic of Poland. In particular, efforts should be made to ensure that the model of settlement of investment disputes in future agreements is consistent with the basic principles of the Polish legal order, while the Republic of Poland maintains the right to decide upon significant social and economic matters. Any proceedings should be conducted in an objective and diligent manner and based on clear rules, whereas decisions should be made by competent and equitable institutions or arbitrators.

At the same time, the Sejm of the Republic of Poland, in recognition of the efforts made so far by the Government of the Republic of Poland in that respect, calls upon Polish and European institutions to take further action in order to improve the transparency of the negotiations on trade agreements conducted by the European Union.

MARSHAL OF THE SEJM

/ - / Marek Kuchciński