

CECILIA MALMSTRÖM

MEMBER OF THE EUROPEAN COMMISSION

Brussels, 29. 08. 2016

Dear Mr Reynders,

Dear Didier,

Thank you for your letter of 17 June 2016 on the protection of IPR for pharmaceuticals in CETA. I welcome that you are closely following the implementation of CETA and keeping us informed of possible developments in Canada in relation to dual litigation.

As you know, the Commission adopted a Proposal for a Council Decision on the signing of the Agreement on July 5, which has been sent to the Council.

In light of the discussions on CETA in some Member States, the Commission took the decision to propose CETA as a mixed agreement – this means that, following the approval by the Council and European Parliament, the agreement will also have to be ratified by Member States' national parliaments.

The Commission is working with the Council in order to ensure the signature of CETA at the EU-Canada Summit on October 27 and its swift provisional application.

There is still a lot of work that needs to be done in order to ensure that EU industry reaps the agreement's benefits through provisional application of the agreement in line with past agreements (such as the EU-Korea FTA), and even more time to its eventual entry into force. An informed public debate on the opportunities CETA offers to European companies, workers and citizens would be particularly useful to lay to rest many myths and misconceptions that have caused concern in the public debate. The Commission has therefore called on Member States to exercise leadership and play their part in order to ensure a smooth application and ratification of the agreement.

As regards the issue of dual litigation in particular, the Commission will continue to work with Canada to ensure that its CETA commitments are duly respected in a timely manner.

Mr Didier REYNDERS
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In that sense, the cooperation with Member States is very important and I would ask you to keep my services informed if you or your stakeholders become aware of any draft proposal that may be tabled, together with your evaluation whether this properly reflects the agreement reached with Canada in relation to dual litigation.

I thank you again for your support on this important agreement.

Yours sincerely,

[Art. 4(1)(b)]

Cecilia Malmström