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NOTE FOR THE FILE

Subject: Explanatory note on the calculation of new EU-27 volumes for TRQs in WTO schedule of the EU

This note aims at explaining the methodology for the calculation of the figures in Annexes I and II to the “Commission Implementing Regulation (EU).../... of xxx laying down rules with regard to the apportionment of tariff rate quotas for certain agricultural products included in the WTO schedule of the Union following the withdrawal of the United Kingdom from the Union and with regard to import licences issued and import rights allocated under those tariff rate quotas”.

1. METHODOLOGY

The calculation of the apportioned TRQs is based on the same method used in COM(2018)312¹ (the “basic act”):

- Establishment of a usage share (%) for the UK. For FCFS administered TRQs, the usage is based on consolidated customs data submitted by the MS (Quota2 database), while for TRQs managed through licences, the usage is based on data from the licenses database (ISAMM/AMIS Quota).
- Calculation of the TRQ volume accruing to the UK, by applying the UK usage share (%) to the total EU-28 scheduled TRQ volume.
- Calculation of the EU-27 TRQ volume by deducting the UK TRQ volume from the total EU-28 scheduled TRQ volume.

In some cases, a volume in the WTO schedule has been “sub-divided” in two or more TRQs by the EU. In these cases, the usage share applied is the usage share specific to each TRQ (and not the average rate for the entire WTO volume).

The objective is to respect the actual trade flows through observed usage.

For some TRQs, deviations to the general methodology have been introduced. This is to take into account specificities of the concerned TRQs and to ensure the final EU-27 volume doesn't cause distortions in the current trade.

¹ Regulation on the apportionment of tariff rate quotas included in the WTO schedule of the European Union following the withdrawal of the United Kingdom from the Union (COM(2018)312 final).

Please find below some additional information, presented by sector.

2. POULTRY

Quota numbers: 09.4410, 09.4411, 09.4412 (cuts of chicken, frozen):

The WTO EU schedule of commitments foresees two tariff-rate quotas, one for Brazil of 9 598 tonnes and one *erga omnes* of 15 500 tonnes. This *erga omnes* quota was further sub-allocated by means of Commission Regulation (EC) No 1385/2007 into three TRQs, one for Brazil of 7 100 tonnes (added to the original 9 598 tonnes, resulting in 16 698 tonnes), one to Thailand of 5 100 tonnes and one to *erga omnes* of 3 300 tonnes.

- For Brazil, the apportionment coefficient of 86.6% is applied on the WTO scheduled quantity of 9 598 tonnes, while the apportionment coefficient of 86.9%, calculated based on the EU-27 usage rate during the reference period of the *erga omnes* quota, is applied on the remaining 7 100 tonnes allocated to Brazil, resulting in a combined quantity of 14 479 tonnes for Brazil, after Brexit.
- For Thailand and for *erga omnes* quantities, the same coefficient of 86.9% is applied on 5 100 and 3 300 tonnes respectively, resulting in the quantities of 4 432 tonnes for Thailand and 2 868 tonnes for *erga omnes*, after Brexit.

Apportionment of TRQ for cuts of chicken, frozen					
EU-28 schedule in WTO		EU-28 TRQ - REGULATION 1385/2007			
Origin	Tonnes	EU distribution	Origin	Order number	Reg. 1385/2007 tonnes
BRAZIL	9.598	9.598	BRAZIL	09 4410	16.698
ERGA OMNES	15.500	7.100			
		5.100	THAILAND	09 4411	5.100
		3.300	ERGA OMNES	09 4412	3.300

ANNEX I TO EP + COUNCIL REGULATION				Commission TRQ Regulation						
Origin	Tonnes in WTO schedule	Apportionment percentage of EU-27	EU-27 in tonnes	Origin	Order number	EU-28 TRQ Reg. 1385/2007	EU-27 TRQ	Percentage	EU-27 TRQ	Percentage
BRAZIL	9.598	86,6%	8.308,17	BRAZIL	09 4410	9.598	8.308,17	86,6%	14.479	86,7%
ERGA OMNES	15.500	86,9%	13.470,52				7.100	6.170,37		
				THAILAND	09 4411	5.100	4.432,23	86,9%	4.432	86,9%
				ERGA OMNES	09 4412	3.300	2.867,92	86,9%	2.868	86,9%
Total	25.098		21.778,69			25.098	21.778,69		21.778,69	

Quota numbers: 09.4420, 09.4421, 09.4422 (cuts of turkey, frozen):

The WTO EU schedule of commitments foresees two quotas, one for Brazil of 3 110 tonnes and one *erga omnes* of 4 985 tonnes. This *erga omnes* quota was further sub-allocated by means of Commission Regulation (EC) No 1385/2007 into three TRQs, one for Brazil of 1 800 tonnes (added to the original 3 110 tonnes, resulting in 4 910 tonnes), one to other third countries (except Brazil) of 700 tonnes and one for *erga omnes* of 2 485 tonnes.

- For Brazil, the apportionment coefficient of 86.5% is applied on the WTO scheduled quantity of 3 110 tonnes, while the coefficient of 85.3%, calculated based on the EU-

27 usage rate of the *erga omnes* quota during the reference period, is applied on the additional 1 800 tonnes allocated to Brazil, resulting in a combined quantity of 4 227 tonnes for Brazil.

- For all other third countries (except Brazil) and for *erga omnes* quantities, the same coefficient of 85.3% is applied on 700 and 2 485 tonnes, respectively, resulting in a quantity of 597 tonnes for all other third countries and 2 120 tonnes for *erga omnes*. Finally, 1 tonne needed to be added to this latter quantity, resulting in 2 121 tonnes for *erga omnes* in the annex of the TRQ Implementing regulation. This was to ensure that the sum of the TRQ quantities in TRQ implementing regulation equals exactly to the sum of TRQ quantities set out in Council Regulation of 6 945 tonnes (where the rounding had not been done to the nearest tonne).

Apportionment of TRQ for cuts of turkey, frozen									
EU-28 schedule in WTO		EU-28 TRQ - REGULATION 1385/2007							
Origin	Tonnes	EU distribution	Origin	Order number	Reg. 1385/2007 tonnes				
BRAZIL	3.110	3.110	BRAZIL	09 4420	4.910				
ERGA OMNES	4.985	1.800		OTHER (exl. BRAZIL)	09 4421	700			
		700	09 4422		2.485				
		2.485							
ANNEX I TO EP + COUNCIL REGULATION				Commission TRQ Regulation					
Origin	Tonnes in WTO schedule	Apportionment percentage of EU-27	EU-27 in tonnes	Order number	EU-28 TRQ Reg. 1385/2007	EU-27 TRQ	Percentage	EU-27 TRQ	Percentage
BRAZIL	3.110	86,55%	2.691,62	09 4420	3.110	2.691,62	86,55%	4.227,23	86,09%
ERGA OMNES	4.985	85,31%	4.252,79		1.800	1.535,61	85,31%		
				09 4421	700	597,18	85,31%	597,18	85,31%
				09 4422	2.485	2.120,00	85,31%	2.120,00	85,31%
Total	8.095		6.944,41		8.095	6.944,41		6.944,41	

3. LIVE SHEEP AND GOAT

Quota numbers: 09.2181-09.2019 – live sheep and goat (other third countries and *erga omnes*)

The WTO EU schedule of commitments foresees two quotas, one for other third countries, and one *erga omnes*, for 105 and 91 tonnes live weight respectively. These two quotas were merged, and can be found in Commission Implementing Regulation (EU) No 1354/2011 under order numbers 09.2181-09.2019.

As all volumes in Regulation 1354/2011 are expressed in carcass weight equivalent, a technical coefficient of 0.47 has been applied to the combined 196 tonnes, resulting in the current 92 tonnes. The Brexit apportionment coefficient being 100%, this EU-27 volume remains unchanged after Brexit.

Quota numbers: 09.2013-09.2109-09.2110 – sheepmeat (New Zealand)

The volume available in the TRQ for sheepmeat originating in New Zealand (order numbers 09.2013-09.2109-09.2110 in Commission Implementing Regulation (EU) No

1354/2011) was amended in 2018 through Commission Implementing Regulation (EU) 2018/1232, increasing from 228 254 to 228 389 tonnes. The Brexit apportionment coefficient being 50%, the resulting EU quantity is modified from 114 116 tonnes in earlier documents to 114 184 tonnes in the final version of the Brexit TRQ apportionment Implementing Regulation.

Quota numbers: 09.1922-09.2115-09.2116 – sheepmeat (Chile)

The TRQ for sheep and goat meat originating in Chile (order numbers 09.1922-09.2115-09.2116 in Commission Implementing Regulation (EU) No 1354/2011) is composed of two parts, one in the WTO schedule, of 3 000 tonnes, and a bilateral part, which increases by 200 tonnes per annum. In 2018 (see latest update in Commission Implementing Regulation (EU) No 2018/1232), the total volume was 8 000 tonnes, leaving a bilateral share of 5 000 tonnes.

The Brexit apportionment coefficient of 87.6 % is applied to the WTO scheduled part of the quota of 3 000 tonnes, resulting in a quantity of 2 628 tonnes. The bilateral part is not apportioned. It was 5 000 tonnes in 2018, and moves to 5200 tonnes for 2019. The total resulting quota is therefore 7 828 for 2019, 8 028 tonnes for 2020, etc.

WTO Quotas for FYROM and for Bosnia Herzegovina

One quota for live sheep and goats originating in FYROM and another quota for meat of sheep or goats originating in Bosnia Herzegovina, are scheduled respectively at WTO but were never implemented due to more preferential bilateral system existing under the Balkans Agreements. They have not been attributed order numbers, there is no trade history, and therefore no amending regulation is needed. So they will not appear in the final implementing regulation.

4. PIGMEAT

Quota number: 09.4282 (meat of swine, fresh, chilled or frozen – hams, shoulders and cuts):

The WTO EU schedule of commitments foresees a country-specific tariff-rate quota for pigmeat originating in Canada.

Until the implementation of CETA, this quota was opened by Commission Regulation (EC) No 442/2009², under the order number of 09.4204, for a quantity of 4 624 tonnes product weight.

The CETA text³ foresees a tariff rate quota with aggregate annual quantities, in carcass weight equivalent, evolving over time from 12 500 to 75 000 tonnes. The text says under (b): “The aggregate annual duty-free quantities in the table above shall be increased, beginning in year 1, by 4 624 metric tonnes product weight (5 549 metric tonnes carcass weight equivalent) pursuant to the volume established in the European Union’s Canada-specific WTO tariff quota for pigmeat.”

The WTO quota is therefore added to the bilateral quota. The “bilateral” part of the quota should not be apportioned, but the WTO part should be.

² OJ L 129, 28.5.2009, p. 13.

³ OJ L 11, 14.1.2017, page 207, under item 15.

In order to implement CETA, the tariff rate quota with order number 09.4204 was deleted from Regulation 442/2009, and a new aggregate quota was opened by Commission Implementing Regulation (EU) 2017/1585⁴, under order number 09.4282. Its quantities are the following, in tonnes carcass weight equivalent:

- Year 2019 : 37 500 + 5 549 = 43 049
- Year 2020 : 50 000 + 5 549 = 55 549
- Year 2021 : 62 500 + 5 549 = 68 049
- From 2022 : 75 000 + 5 549 = 80 549.

The basic act for the Brexit apportionment⁵ foresees the following for the Canada pigmeat quota: 100 % (rounded figure⁶), 4 623 tonnes. The WTO part of the pigmeat TRQ (previously 09.4204) should therefore be reduced by 1 tonne product weight, from 4 624 to 4 623 tonnes product weight. Using the technical coefficient of 1.2, the apportioned quantity is reduced by 1 tonne from 5 549 to 5 548 tonnes carcass weight equivalent.

The Implementing Regulation apportioning the tariff rate quotas on the occasion of Brexit should therefore amend Regulation 2017/1585, and replace its quantities with the following:

- Year 2020 : 50 000 + 5 548 = 55 548
- Year 2021 : 62 500 + 5 548 = 68 048
- From 2022 : 75 000 + 5 548 = 80 548.

For the transitional year 2019, the apportionment rules will be applied only to the WTO quantity of 5 549 tonnes carcass weight equivalent.

5. DAIRY

Quota numbers: 09.4195 and 09.4182 - butter from New Zealand

Commission Regulation (EC) No 2535/2001, in its Annex III.A, opens an annual quota for 74 693 tonnes of butter originating in New Zealand. This quota is divided into two parts, Part A – order number 09.4195 – for two semesters with 20 540.5 tonnes each, an annual quantity of 41 081 tonnes, and Part B – order number 09.4182 – for two semesters with 16 806 tonnes each, an annual quantity of 33 612 tonnes.

The TRQ apportioned quantity of 47 177 tonnes (63.161 %) was calculated on the total TRQ. It was then split proportionally between part A and part B, resulting into 25 947 tonnes for Part A and 21 230 tonnes for Part B.

⁴ OJ L 241, 20.9.2017, p.1.

⁵ Provisional title : Regulation (EU) of the European Parliament and of the Council with regard to the apportionment of tariff rate quotas included in the WTO schedule of the Union following the withdrawal of the United Kingdom from the Union and with regards to import licences issued and import rights allocated under those tariff rate quotas

⁶ At the time of writing this note, the note to the Annex of the basic act reads: “For presentational purposes, the percentage for the EU-27 share in quota usage has been rounded to one decimal place. The EU-27 tariff rate quota size is, however, calculated based on the exact percentage.”

6. MUSHROOMS AND GARLIC

Quota numbers: 09.4157, 09.4193, 09.4194, 09.4158 (mushrooms)

		Before (tons)	After (tons)		Apportionnement	% of the initial TRQs
		Regul. 1979/2006	Apportionnement	Variation	%	
China tradi	09.4157	30 400	28 880	0		100%
China new	09.4193		1 520			
Others new	09.4194	5 030	252	0		100%
Others tradi	09.4158		4 779			
		35 430	35 430	-35 394 570		

Quota numbers: 09.4104, 09.4099, 09.4105, 09.4100, 09.4106, 09.4102 (garlic)

BREXIT-APPORTIONMENT OF TRQS-ANEX 1

<u>Garlic</u>		N°ordre	Before (tons)	After (tons)	Variation	Apportionnement UK use	% of the initial TRQs
			Regul. 341/2007	Apportionnement		%	
Argentina tradi	✓	09.4104	13.403	13.403	0	0%	100%
Argentina new	✓	09.4099	5.744	5.744	0	0%	100%
			19.147	19.147	0	0%	100%
China tradi	✓	09.4105	33.760	28.389	-5.371	-16%	84%
China new	✓	09.4100	14.465	12.167	-2.298	-16%	84%
			48.225	40.556	-7.669	-16%	84%
Others tradi	✓	09.4106	4.216	2.597	-1.619	-38%	62%
Others new	✓	09.4102	1.807	1.113	-694	-38%	62%
			6.023	3.711	-2.312	-38%	62%
Total			73.395	63.414	-9.981	-14%	86%

<u>Mushrooms</u>			Before (tons)	After (tons)	Variation	Apportionnement	% of the initial TRQs
			Regul. 1979/2006	Apportionnement		%	
China tradi	✓	09.4157	30.400	28.880	0	0%	100%
China new	✓	09.4193		1.520			
Others new	✓	09.4194	5.030	252	0	0%	100%
Others tradi	✓	09.4158		4.779			
			35.430	35.430	0	0%	100%

The common methodology used for the calculation of apportioned TRQs, based on the United Kingdom's average consumption of the relevant quotas over the period 2013-2015, is the following:

- Step 1: establishing a usage share (%) for the UK,
- Step 2: calculating the TRQ share (tons) accruing to the UK by applying the UK usage share (%) to the total EU28 scheduled TRQ volume,
- Step 3: deriving the EU27 TRQ (tons) by deducting the UK TRQ from the total EU28 scheduled TRQ. The methodology used to get the apportionment value by sub item (new/tradi) is applying the % (30%/70%) to the final global value of the EU27 TRQ size.

For license managed TRQs, the consolidated licensing database is used (AMIS database).

7. WINE

Quota number: 09.0067 (grape juice and must – *erga omnes*)

Commission Regulation (EC) No 1472/2003 opening TRQ 09.0067 has been declared obsolete incorrectly (OJ C148, 24.06.2006) and TRQ 09.0067 is regularly made available to our trade partners.

Arguing that the quota no longer legally exists in Union law would mean that the EU would be in breach of its WTO commitments, which certainly could not have been intended.

The quota should therefore be apportioned as foreseen in COM(2018)312. DG TAXUD Quota2 system shows very low usage during the whole period under reference (2013-2015) and uptake only by UK operators.

- 2012-2013: 420 506 kg used by GB (only user): 3.0 % of the quota
- 2013-2014: 267 142 kg used by GB (only user): .1.9 % of the quota
- 2014-2015: 310 654 kg used by GB (only user): 2.2 % of the quota
- 2015-2016: 249 219 kg used by GB (only user): 1.8 % of the quota

8. SUGAR

Quota numbers: 09.4317, 09.4319, 09.4320, 09.4318, 09.4321, 09.4329, 09.4330 (sugar)

The below table shows how the TRQs' apportionment has been calculated for sugar.

Starting points:

- A share of the *erga omnes* TRQ in the WTO Schedule was attributed to Cuba and Brazil in Regulation (EC) No 891/2009.
- The apportionment percentage for each WTO TRQ results from the use, during the reference period, of each TRQ as distributed in Regulation (EC) No 891/2009.
- For Brazil, the TRQ quantity from 2024/25 is considered.

Calculation:

- The apportionment percentage corresponding to the Australia, Cuba, Brazil and India TRQs is applied to each TRQ as distributed in Regulation (EC) No 891/2009.
- The remaining quantity is then attributed to the *erga omnes* TRQ so as to get to the same total quantity than in the basic act.
- For the Brazil transitional TRQs, the same percentage as per the final Brazil TRQ is applied.

SCHEDULE CONCESSIONS		EU 28 TRQ - REGULATION 891/2009			
Origin	Tonnes in schedule	EU Distribution	Origin	Order Number	Reg. 891/09 tonnes
AUS	9.925	9.925	AUS	09 4317	9.925
CUBA	10.000	10.000	CUBA	09 4319	68.969
ERGA OMNES	372.876	58.969			
		289.977			
BRAZIL	388.124	388.124	BRAZIL	09 4318	412.054
INDIA	10.000	10.000	INDIA	09 4321	10.000
Total	790.925	790.925			790.925

ANNEX I TO EP + COUNCIL REGULATION				Commission TRQ Regulation			
Origin	Tonnes in schedule	Apportionment percentage	EU-27 in tonnes	Order Number	EU-28 TRQ - Reg. 891/09	EU-27 TRQ	Percentage
AUS	9.925	49,99%	4.961	09 4317	9.925	4.961	49,99%
CUBA	10.000	100,00%	10.000	09 4319	68.969	68.969	100,00%
ERGA OMNES	372.876	91,57%	341.460	09 4320	289.977	260.390	89,80%
BRAZIL (as from 2024/25)	388.124	92,36%	358.454	09 4318	412.054	380.555	92,36%
INDIA	10.000	58,41%	5.841	09 4321	10.000	5.841	58,41%
Total	790.925		720.716		790.925	720.716	

Origin	Order Number	Current tonnes in Reg. 891/09	Quota Year	Percentage	EU-27 TRQ
BRAZIL (until 2023/24)	09 4318	334.054	2018/19 to 2023/24	92,36%	308.518
	09 4329	78.000	2018/19 to 2021/22	92,36%	72.037
		58.500	2022/23	92,36%	54.028
	09 4330	19.500	2022/23	92,36%	18.009
		58.500	2023/24	92,36%	54.028

9. RICE

Quota numbers: 09.4149, 09.4150, 09.4152, 09.4153, 09.4154 (broken rice)

Regulation (EU) No 1273/2011 provides for a TRQ for 100 000 tonnes of broken rice with country specific subdivisions towards Thailand, Australia, Guyana, the USA and Other Origins (not including the aforementioned countries).

The apportionment for this particular quota provided for in the basic act refers to a single figure for the entire TRQ of 100 000 without subdivision. To respect the subdivision provided for in the Regulation (EU) No 1273/2011 the TRQ apportionments have to be calculated for each subdivision. Since historically, this particular TRQ has been severely

underused, the allocation of apportionment for specific subdivisions is problematic. Therefore, the same apportionment percentage provided in the basic act is used for all individual order numbers falling under this TRQ (see table A).

Quota numbers: 09.4127, 09.4128, 09.4129, 09.4130, 09.4138, 09.4116, 09.4117, 09.4118, 09.4119 (milled or semi-milled rice):

1) Regulation (EU) No 1273/2011 provides for a TRQ of 63 000 tonnes of milled or semi-milled rice with country specific subdivisions towards the USA, Thailand, Australia, and ‘Other origins’ (not including the aforementioned countries). On top of this, the TRQ with order number 09.4138 for "All countries" is also provided for any unused quantities by October of each year. Obviously, this later quota is not subject to any apportionment.

Calculation (see table B):

- The basic act established the EU-27 apportionment at 36 731 tonnes.
- After applying the standard calculation method set in the basic act the remaining quantity is then attributed to the "Other origins" TRQ so as to get to the same total quantity.
- After reaching 100% of the original volume allocated to "Other origins", the remaining quantity to be attributed to EU-27 is then proportionally divided over the United States, Australia and Thailand.

2) Regulation (EU) No 1273/2011 provides also for a TRQ of 40.216 tonnes of milled or semi-milled rice with country specific subdivisions towards Thailand, the USA, India, Pakistan, ‘Other origins’ and ‘All countries’.

The basic act sets a single quantity of 6 859 tonnes and a single apportionment percentage (74.7%) for the EU-27 for combined quotas allocated to the USA, India, Pakistan and ‘Other origins’. To be in line with the Regulation (EU) No 1273/2011 which foresees country specific subdivisions towards the USA, India, Pakistan and ‘Other origins’ the attribution of the EU-27 apportionment is redistributed per origin based on the standard calculation method set in the basic act (see table C).

Table A) Quota of **100 000** tonnes of broken rice covered by CN code 1006 40 00 as provided for in Article 1(1) (c) of Regulation (EU) No 1273/2011

Origin	Order Number	Current Tonnes in Implementing Regulation (EU) No 1273/2011	Annex I to EP and Council Regulation: EU Share	Apportionment Percentage EU-27	EU-27 - TRQ
Thailand	09.4149	52 000		93.709%	48 729

Australia	09.4150	16 000		93.709%	14 993
Guyana	09.4152	11 000		93.709%	10 308
United States	09.4153	9 000		93.709%	8 434
OTHER COUNTRIES	09.4154	12 000		93.709%	11 245
Total		100 000	93 709 (93,7%)		93 709

Table B) Quota of **63 000** tonnes of wholly milled or semi-milled rice covered by CN code 1006 30 as provided for in Article 1(1)(a) of Regulation (EU) No 1273/2011

Origin	Order Number	Current Tonnes in Implementing Regulation (EU) No 1273/2011	Annex I to EP and Council Regulation: EU Share	Apportionment Percentage EU-27	EU 27 - TRQ
United States	09.4127	38 721		41%	15 888
Thailand	09.4128	21 455		87.6%	18 798
Australia	09.4129	1 019		23.5%	240
Other origins	09.4130	1 805		100.00%	1 805
All countries	09.4138	⁷ -	-	-	-
Total		63 000	36 731 (58,3%)		36 731

Table C) Certain quotas of wholly milled or semi-milled rice covered by CN code 1006 30 as provided for in Article 1(1)(d) of Regulation (EU) No 1273/2011

Origin	Order Number	Current Tonnes in Implementing Regulation (EU) No 1273/2011	Annex I to EP and Council Regulation: EU Share	Apportionment Percentage EU-27	EU 27 - TRQ
United States	09.4116	2 388		41.5%	990

⁷ Remaining quantities by October each year not used in the other quotas in previous sub-periods

India	09.4117	1 769		82.4%	1458
Pakistan	09.4118	1 595		85.9%	1370
Other origins	09.4119	3 435		88.5%	3041
Total	—	9 187	6 859 (74.7%)		6 859

10. CEREALS

Quota number: 09.4124 (common wheat)

As regards common wheat of a quality other than high quality, a duty free quota of 100.000 tonnes, with order 09.4124, is open in accordance with the CETA agreement⁸⁹ (OJ L 11, 14.01.2017, p.204 - item 9).

This quota includes 38 853 tonnes from a WTO quota, which is apportioned in the basic act.

However, this apportionment, which is relevant as regards the WTO schedule for the EU-27, does not affect the overall quantity of 100 000 tonnes as set out in the bilateral agreement with Canada.

Therefore, TRQ 09.4124 has not been included in the Implementing Regulation for the apportionment of WTO TRQs.

⁸ Comprehensive Economic and Trade Agreement (CETA) between Canada, of the one part, and the European Union and its Member States, of the other part OJ L 11, 14.1.2017, p. 23–1079

⁹ Council Decision (EU) 2017/38 of 28 October 2016 on the provisional application of the Comprehensive Economic and Trade Agreement (CETA) between Canada, of the one part, and the European Union and its Member States, of the other part (OJ L 11, 14.1.2017, p. 1080).