



**COUNCIL OF
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COVER NOTE

from: Presidency
to: Delegations
Subject : Relations between the European Parliament and the Council - Common
Commercial policy: draft reply

Delegations will find annexed a draft reply to the letter dated 25 February 2010 from
Mr. Vital MOREIRA, Chair of the Committee on International Trade of the European Parliament to
Mr. Miguel SEBASTIAN GASCON, President in office of the Council.

DRAFT REPLY

March 2010

Mr Vital Moreira
Chairman
Committee on International Trade
European Parliament
B-1047 Brussels

Dear Mr Moreira

I am replying on behalf of the Council to your letter dated 25 February 2010 concerning cooperation between the European Parliament and Council in the area of the European Union's Common Commercial Policy.

As you state in your letter, the Lisbon Treaty provides for some significant changes in the area of Common Commercial Policy. These changes reinforce the democratic legitimacy of EU commercial policy and bring its legislative procedures into line with those that already apply to most other economic issues. The Council is of course ready to work together with the Parliament, within the limits established by the treaties, to ensure that these new provisions are fully and effectively implemented.

The treaties set out the procedures governing the negotiation and conclusion of international trade agreements. While the Parliament's consent is required for the conclusion of trade agreements where Article 207 TFEU is the substantive legal base, Article 218 (7) TFEU provides for the possibility for the Council to authorise the negotiator to approve on behalf of the Union modifications to an agreement through a simplified procedure. Furthermore, Article 218 (9) provides for the establishment of positions to be adopted on the Union's behalf in a body set up by an agreement, when that body is called upon to adopt acts having legal effects. In both these cases the consent of the Parliament is not required.

As you state, the treaties require the Commission to report regularly to both the Trade Policy Committee (TPC) and to the European Parliament on the progress of negotiations. One has also to note that Article 207(3) TFEU also provides for the TPC to be consulted by the Commission on the conduct of the negotiations and assist the Commission in the negotiations.

Regarding the specific proposals which you set out in your letter, I have the following comments.

On the issue concerning information related to the Council's preparatory bodies in the fields of Commercial Policy and Economic Cooperation, the Council is happy to provide lists of these bodies to the Parliament. The current list is annexed to this letter. As far as the frequency of meetings is concerned, these vary, but a regularly updated calendar of the meetings of all the Council's preparatory bodies can be consulted on the Council's website (details are also in the annex). In order to keep this information updated, and in order to ensure that there is the regular exchange of practical information necessary to support the new working relationship in commercial policy, contacts between the General Secretariat of the Council and the INTA Secretariat should be intensified. The General Secretariat of the Council will also invite each presidency to notify you with the contact details of the ministers and officials who have been designated to engage with the Parliament on commercial policy. Furthermore, the General Secretariat of the Council can provide the names of the members of the Foreign Affairs Council and, to the extent possible, of the ministers responsible for trade.

The Council shares your view on the importance of effective cooperation and dialogue between the Parliament and Council with respect to international trade agreements, while of course respecting the treaties, which do not confer powers of action on the Parliament with respect to the preparation, negotiation and monitoring of trade agreements. With regard to negotiations, the provisions of Article 207 (3) in fine apply.

The Council recalls that the relevant minister from the rotating presidency normally appears before your committee at both the beginning and end of its period in office, and considers that this practice is positive and should continue. Furthermore, when key trade dossiers reach a crucial phase, the Council favours these political contacts being stepped up in order to facilitate greater clarity and, if necessary, convergence of positions.

The Council is also ready to build on the existing good relations between your committee and the TPC. It considers in particular that opportunities for direct contacts, such as your recent lunch with members of the committee, will become increasingly important. The Council also favours exchanges of views between yourself (together with INTA coordinators) and the Chair of COREPER II. Exchanges of views and contacts with the Chair of the TPC should also become an important channel for reciprocal exchanges of information and scheduling of work. As far as the meetings of the TPC are concerned, the Council holds that the current arrangements on participation should remain unchanged in order to preserve the specific prerogatives of the committee as set out in the treaties.

The Council considers that these arrangements, taken together, should enable us to exchange information more efficiently and rapidly, thereby ensuring full and effective implementation of the new provisions on the Common Commercial Policy as introduced by the Lisbon Treaty. Since commercial policy is, by definition, directed towards our international partners, both the Council and the Parliament will wish that the new arrangements will strengthen the EU's performance in this part of the international arena.

Yours sincerely

For the President of the Council

Council preparatory bodies in the area of trade:

The Council regularly issues an updated list of its preparatory bodies the latest version can be found in the following link:

<http://register.consilium.europa.eu/pdf/en/10/st05/st05869-re01.en10.pdf>

This list includes all Council preparatory bodies, some of which deal specifically with trade matters. Other groups may also address some trade-related aspects within their relevant functions; that is the case, for example, with working parties that are responsible for external EU policy in specific geographical areas, or some of the groups in fields, such as the Common Agricultural Policy, Environment and the Internal Market. Working groups that operate in the field of trade include:

Trade Policy Committee in its different configurations:

- Full Members
- Deputies
- Experts (STIS, Services and Investment, Mutual Recognition)

Working Party on Trade Questions

Other groups dealing with issues related to the Commercial Policy would include for example:

Working Party on the Generalised System of Preferences

Working Party on Commodities

Export Credits Group

Working Party on Dual-Use Goods

The calendar of the meetings of the different council preparatory bodies can be consulted on the Council Website:

<http://www.consilium.europa.eu/App/Meetings/getMonthCalendar.aspx?id=368&lang=en>

as well as the Presidency calendar:

<http://www.consilium.europa.eu/App/newsroom/loadbook.aspx?BID=950&LANG=1&cmsid=952>

and the agendas of the Council preparatory bodies:

<http://www.consilium.europa.eu/showPage.aspx?id=643&lang=en>