



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 23 April 2010

8928/10

**PE-L 56
INST 129
RELEX 342
COMER 67**

“I” ITEM NOTE

from : Working Party on General Affairs
to : Permanent Representatives Committee (Part 2)

No. prev. doc. : 7503/10 PE-L 46 INST 83 RELEX 209 COMER 41 (Letter)
8462/10 PE-L 52 INST 107 RELEX 293 COMER 55 (Draft reply)

Subject: Relations between the European Parliament and the Council - Common
Commercial policy
= Approval of a reply *

1. In a letter dated 25 February 2010, the chairman of the European Parliament committee on International Trade sent a letter relating to cooperation between the European Parliament and Council in the area of the European Union's Common Commercial Policy.
2. At its meetings on 19 and 31 March and 16 April 2010, the Working Party on General Affairs considered the matter and prepared a draft reply.
3. The Permanent Representatives Committee is invited to approve the attached letter, in accordance with the Council's Rules of Procedure (Article 19(7)(k)).

* Item on which a procedural decision may be adopted by the Coreper pursuant to Article 19 (7)(k) of the Council's Rules of Procedure.

Council of the European Union

Brussels, 2010

DRAFT REPLY

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

Subject: Relations between the European Parliament and the Council - Common Commercial policy

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 bring the legislative procedures in this area 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. In addition, Article 207(3) TFEU specifically 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 ensure the regular exchange of such practical information, contacts between the General Secretariat of the Council and the INTA Secretariat could be intensified.

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. It considers that this practice is positive and should continue, and that these contacts could be stepped up when key trade dossiers reach a crucial phase.

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. In general, exchanges of views and contacts with the Chair of the TPC should remain an important channel for reciprocal exchanges of information. As far as the particular issue of 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 is also open to more wide-ranging contacts where this would be useful. It will however be for each presidency to determine the exact nature of these contacts depending on the progress on individual dossiers and on specific issues which might need to be addressed during its period in office.

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. The Council looks forward to continuing its dialogue with the Parliament in this area, in particular through further contacts between yourself and the Chair of the Trade Policy Committee.

Yours faithfully,

Chairman of
the Permanent Representatives Committee