

EUROPEAN COMMISSION

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Dear Presidents, dear Chairmen,

The Commission would like to thank the 20 chambers that are signatories for their Opinion of 25 June 2014 on the role of national Parliaments in concluding free trade agreements (FTAs).

The Commission fully agrees with the comments about the economic and political significance of the ongoing negotiations, in particular the negotiations with the United States on the Transatlantic Trade and Investment Partnership (TTIP). We would not achieve our

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*Mr Patrick DEWAELE
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*Mr Jan HAMÁČEK
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*Mr Milan ŠTĚCH
President of the Senát, Czech Republic*

*Mr Claude BARTOLONE
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*Mr László KÖVÉR
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*Ms Solvita ĀBOLTIŅA
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*Mr Mars DI BARTOLOMEO
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*Mr Anglu FARRUGIA
President of the Kamra tad-Deputati, Malta*

*Mr Radosław SIKORSKI
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*Mr Bogdan BORUSEWICZ
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*Ms Maria da Assunção Andrade ESTEVES
President of the Assembleia da República,
Portugal*

*Mr Pavol PAŠKA
President of the Národná Rada, Slovakia*

*Mr Janko VEBER
President of the Državni Zbor, Slovenia*

*Mr William CASH MP
Chairman of the European Scrutiny Committee
House of Commons, United Kingdom*

*Lord BOSWELL
Chairman of the European Union Select Committee
House of Lords, United Kingdom*

shared objectives if we do not succeed in concluding deep and comprehensive FTAs with crucial economic partners.

As pointed out in the Opinion, it is indeed a recurring issue whether FTAs should be concluded by the Union alone, following a decision by the Council further to the consent of the European Parliament, or whether they should be concluded as "mixed" agreements by the Union and the Member States, according to their respective national procedures. The Opinion expresses the view that both TTIP and the Comprehensive Economic Trade Agreement (CETA) between the European Union and Canada (CETA) should be concluded as mixed agreements because "they concern policy areas within the competence of the Member States", including in particular "certain elements of policy areas such as services, transport and investment protection". In this respect, the Commission's consistent position is that the nature of every international agreement, and hence every trade agreement, and whether it is to be concluded as an EU-only or as a mixed agreement, depends on its content. On both CETA and TTIP the Commission will reflect this determination in its proposal for signature of the respective agreement.

Regardless of the nature of an agreement, the Commission would like to emphasise that both the Council and the European Parliament are fully involved in both the negotiation and conclusion phase thus ensuring full democratic control throughout the process. In the early stages of a discussion about launching negotiations on trade agreements, the Commission holds a public consultation on the content and options for any free trade agreement and conducts an assessment of the impact of any such deal. The Commission also requests formal authorisation from the Council to open such negotiations. After each negotiation round and at other key points in the negotiations, the Council and the European Parliament are simultaneously informed about the state of play. Discussions take place regularly with the Council and European Parliament at working level but may also take place at Ministers level or in plenary debates. After a text is finalised by the negotiators and translated, the Commission submits a proposal on the signature and conclusion of the agreement to the Council.

After the agreement is formally signed by the two negotiating parties, the Council transmits the agreement to the European Parliament for consent, which decides by a vote in plenary. This shows that in the EU institutional framework there are numerous occasions for national authorities of the Member States to be involved in the negotiation and approval of trade agreements. National Parliaments have therefore several opportunities throughout this process to exercise their oversight over such negotiations.

If an agreement requires ratification by the Member States, it will be sent to Member States for approval in accordance with their respective constitutional requirements after the Council decision on signature is approved.

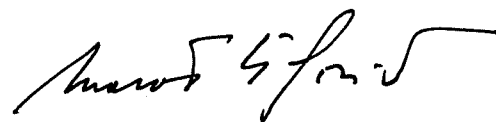
The Commission takes note of the request of the chambers that are signatories to the letter that trade agreements such as CETA and TTIP be ratified by the national Parliaments. As mentioned before, however, the nature of these agreements can only be fully determined at the end of the negotiations. The Commission proposed the signature and conclusion of the

recent FTA with South Korea as a mixed agreement because it included matters within the Member States' competence, including in particular some provisions on cultural matters. On the other hand, in the case of the FTA with Peru and Colombia, the Commission proposed to sign it as an EU-only agreement, as it considered that all matters covered by that agreement fell within the EU's competence. The Council, nevertheless, decided to sign it as a mixed agreement. Given this practice, it is likely that TTIP will also be considered by the Council as a mixed agreement.

At the same time, it is important that a vigorous and well-founded debate takes place on these and other agreements. The Commission welcomes debates in national Parliaments on the merits of trade agreements such as CETA and TTIP, explaining to constituents the implications of such trade agreements. The Commission services would be most willing to provide support (including participation) and any pertinent information to feed such debate. The Commission has already been doing this in several national Parliaments and looks forward to continuing this valuable cooperation. The Commission welcomes the active contribution and involvement of national Parliaments irrespective of the nature – "EU-only" or "mixed" – of such agreements.

The Commission hopes that these clarifications address the concerns raised by the chambers that are signatories to the Opinion and looks forward to continuing the political dialogue in the future.

Yours faithfully,



*Maroš Šefčovič
Vice-President*