



EUROPEAN COMMISSION

Brussels, 25.5.2012
C(2012) 3385 final

Dear President,

The Commission would like to thank the Camera Deputaţilor for its Opinion concerning the proposal for a Decision of the European Parliament and of the Council setting up an information exchange mechanism with regard to intergovernmental agreements between Member States and third countries in the field of energy {COM(2011)540 final}, as well as our communication "The EU Energy Policy: Engaging with Partners beyond our Borders" {COM(2011)539 final}. We apologise for the delayed submission of our reply.

With regard to your concerns regarding the political impact of the proposed Decision, the Commission would like to stress the following.

The proposed Decision does not prevent Member States from concluding intergovernmental agreements with third countries. Instead, it is proposed that the Member States inform each other and the Commission when they envisage to negotiate new agreements and when they conclude such agreements. This should enable the Commission to check the compatibility of the agreement with Union law.

Furthermore, Member States have the right to indicate whether any part of the information submitted to the Commission, in particular commercial information, is to be regarded as confidential and whether the information provided can be shared with other Member States. It follows that the Member States will in all cases be in control of what information is circulated to other Member States.

Disclosure of existing intergovernmental agreements to the Commission should normally not cause any problem in relations with third countries. The Commission is not a third party or a potential competitor but should be assimilated to a national regulatory or administrative authority, to which intergovernmental agreements can normally be disclosed. A restrictive interpretation of possible non-disclosure clauses in intergovernmental agreements would be necessary. In the highly unlikely case that a non-disclosure clause could be understood as to include the Commission, the Member State concerned would have to contact the third country in order to find a solution. In new intergovernmental agreements, the Member States should refrain from including such non-disclosure clauses.

*Ms. Roberta Alma ANASTASE
President
Chamber of Deputies
Palace of the Parliament
Str. Izvor nr. 2-4, sector 5
RO – BUCHAREST*

The Commission would like to also thank you for your opinion on its Communication on security of energy supply and international cooperation {COM(2011)539 final}. Member States are fundamental in the strategy proposed by the Commission and the follow-up actions identified in the document would bring added value and complement Member States' activities in this field. Let us also note that the Energy Council adopted on 24 November 2011 conclusions on this Communication that aim to reinforce a balanced geographical and thematic approach in the EU external energy activities.

I hope these explanations could clarify the concerns raised in your opinion and look forward to continuing our political dialogue in the future.

Yours faithfully,

*Maroš Šefčovič
Vice-President*