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#### COVER NOTE

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From:	Mr David McAllister, the Chair of the Committee of Foreign Affairs (EP), and Mr Bernd Lange, Chair of the Committee on International Trade (EP)
date of receipt:	29 January 2018
To:	Ms Ekaterina ZAHARIEVA, Deputy Prime Minister for Judicial Reform and Minister of Foreign Affairs of Bulgaria - Presidency of the Council of the European Union and Ms Federica MOGHERINI, Chair of the Foreign Affairs Council, Vice-President of the European Commission, High Representative of the Union for Foreign Affairs and Security Policy
Subject:	EU-Armenia's agreement provisional application and Parliament's consent; transmission of documents relevant to ongoing negotiations

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Delegations will find attached a letter from the Chairs of the Committee on Foreign Relations and Committee on International Trade of the European Parliament.

E-MAIL / FAX

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29.01.2018



Committee on Foreign Affairs  
The Chair

Committee on International Trade  
The Chair

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Ms Ekaterina Zaharieva  
Deputy Prime Minister for Judicial Reform and Minister of Foreign Affairs of Bulgaria  
Presidency of the Council of the European Union

Ms Federica Mogherini  
Chair of the Foreign Affairs Council  
Vice-President of the European Commission  
High Representative of the Union for Foreign Affairs and Security Policy

**Subject: EU-Armenia agreement's provisional application and Parliament's consent;  
transmission of documents relevant to ongoing negotiations**

Dear Ms Zaharieva, dear Ms Mogherini,

In its 15 November 2017 recommendation to the Council, the Commission and the EEAS on the Eastern Partnership, in the run-up to the November 2017 Summit (2017/2130(INI)), the European Parliament (EP) resolved "to increase its scrutiny of the negotiation of future international agreements with the eastern partners". We also "call[ed] on the Council to provide Parliament without delay with all relevant negotiating directives in line with the relevant Interinstitutional Agreement" and on the Commission and EEAS to "provide, without delay, the draft negotiating texts and initialled agreements, in line with the relevant Framework Agreement".

However, despite an additional exchange of 5 letters in 2017 as regards the transmission of documents relevant to ongoing negotiations on international agreements - notably those with Armenia and Azerbaijan - the legal obligation to "immediately and fully inform [the EP] at all stages of the procedure", as enshrined in Article 218(10) TFEU, has not been fulfilled. Some documents were eventually sent to the Foreign Affairs (AFET) and International Trade (INTA) Committees with much delay, whilst others were not - notably as regards negotiating directives. Instead, we were told: "the relevant Council Working Party will continue to consider [our] request" - in May 2017. Similar difficulties are encountered in relation to other international agreements falling within the remit of our committees.

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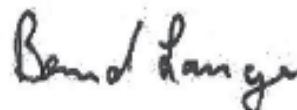
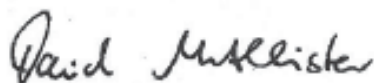
In these circumstances, the EP is not in a position to effectively exercise democratic scrutiny of the EU external action, in particular as regards international agreements under negotiation. Consequently, on 23 January 2017, AFET adopted, with a large majority, its opinion to the EP report on the 2016 discharge of the EEAS. *Inter alia*, it "emphasises that the Parliament's consent on new agreements, such as the Comprehensive and Enhanced Partnership with Armenia, may also be withheld in the future, until the Council and the EEAS fulfil their legal obligation". Similar wording is also included in other pending reports, such as the 19 December 2017 draft report on the EU-Azerbaijan negotiations.

We are therefore writing today following a discussion on the matter among the AFET Committee coordinators to ask to receive the documents the EP is legally entitled to as regards the negotiation of international agreements (notably with Armenia and Azerbaijan), by 20 February 2018. We also request that the Council does not provisionally apply international agreements until the Parliament has given its consent. This request applies first to the EU-Armenia agreement, for which Council asked for the EP's consent on 30 November 2017. The Foreign Affairs Committee coordinators will meet again on 21 February to take stock of the progress made on this issue and stand ready to propose that Parliament decline consent to the above-mentioned agreement, which would lead to the immediate termination of its provisional application.

Full and immediate access to information at all stages of negotiation and conclusion is not a self-serving purpose. It allows the EP to make its views known on the negotiations and make an informed choice when deciding on consent. In case of sub-optimal information flow, the desired outcome may not come to fruition as demonstrated in the past controversial cases (e.g. SWIFT, PNR, ACTA and Morocco fisheries agreements).

We take this occasion to welcome the progress made, notably thanks to the VP/HR's strong involvement, within the ongoing interinstitutional negotiations on international agreements implementing paragraph 40 of the "Better Law Making" framework. We hope for a swift and successful conclusion of these negotiations whilst insisting that they cannot be the reason for the non-fulfilment, in the meantime, of existing legal obligations.

Yours sincerely,



David McAllister

Bernd Lange

Copy to:

Mr Antonio Tajani, President of the European Parliament

Mr Johannes Hahn, Commissioner for ENP & Enlargement Negotiations

Ms Cecilia Malmström, Commissioner for Trade

Mr Neven Mimica, Commissioner for International Cooperation & Development

Mr Jim Cloos, Deputy Director General for General and Institutional Policy, Council of the European Union General Secretariat

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