



# Tweede Kamer

## DER STATEN-GENERAAL

Postbus 20018  
2500 EA Den Haag

Commissie Europese Zaken  
R. W. Knops  
Binnenhof 1a  
2513 AA Den Haag

date 2 June 2014  
your letter of 2 June 2014  
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Dear colleagues,

### *Purpose of this letter*

On behalf of the standing committee for European Affairs of the Dutch House of Representatives I would like to draw your attention to the following request concerning the role of national parliaments in dealing with free trade agreements between the European Union and third countries.

### *Background*

The Dutch Committee on Foreign Trade and Development Cooperation monitors negotiations on free trade agreements intensively and has frequent debates on trade-related matters with the Dutch minister for Trade, Mrs. Lilianne Ploumen. Currently, these debates concern the Comprehensive Economic Trade Agreement (CETA) between the EU and Canada which are almost completed and the Transatlantic Trade and Investment Partnership (TTIP) between the United States of America and the EU, on which the negotiations are now in full progress. A recurring issue between the European Commission and the Council when agreements have been reached, is whether these types of comprehensive agreements are to be considered the exclusive competence of the European Commission (so-called 'EU-only' agreements) or whether they concern both the competences of the Commission and the member states (mixed agreements).

The Dutch House of Representatives believes, like the Dutch government and many other member states, that free trade agreements should be considered as mixed agreements, since they contain provisions concerning policy areas which are within the competences of the member states. For CETA, as well as TTIP (as well as can be foreseen at this stage), this is the case for certain elements of policy areas like services, transport and investor protection. In the case of a mixed status, all national parliaments have to ratify the agreement. European Commissioner for Trade Karel De Gucht, recently announced that he will subject either the CETA or the EU-Singapore trade agreement to the European Court of Justice in order to get more clarity on this issue.



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The Dutch House of Representatives believes that the legitimacy of the EU will be compromised if national parliaments do not have the opportunity to express their opinion on the outcome of the negotiations that directly concern national policy areas, and therefore considers trade agreements to have a mixed status.

*Proposal*

We ask you to co-sign the attached letter to Commissioner De Gucht in the framework of the political dialogue with the European Commission.

*Procedure*

During the COSAC-meeting in Athens from June 15 to 17 you will have the opportunity to sign the letter. It will be sent as soon as possible after the COSAC meeting.

Yours sincerely,

R. W. Knops, chair of the committee on European Affairs

Dutch House of Representatives



date 2 June 2014

Appendix: letter to Commissioner De Gucht

Athens, 16 June 2015

Dear Mr. De Gucht,

The national parliaments of the EU have been following with great interest the negotiations on the Comprehensive Economic Trade Agreement (CETA) between the EU and Canada and the Transatlantic Trade and Investment Partnership (TTIP) between the United States of America and the EU. A recurring issue between the European Commission and the Council when agreements have been reached, is whether or not these types of comprehensive agreements should be considered as coming within the exclusive competence of the European Commission (so-called 'EU-only' agreements) or that that they concern both competences of the Commission and of the member states (mixed agreements).

The national parliaments who are signatories to this letter believe that free trade agreements should be considered as mixed agreements, since they contain provisions that concern policy areas which are within the competences of the member states. For CETA, as well as TTIP (as well as can be foreseen at this stage), this is the case for certain elements of policy areas such as services, transport and investor protection. In the case of a mixed status, all national parliaments have to ratify the agreement. In view of the important role national parliaments have in the democratic decision making process of the EU, we feel that it is of great importance that trade agreements such as CETA and TTIP are ratified by the national parliaments.

Therefore, we ask you to consider comprehensive trade agreements such as TTIP and CETA as mixed agreements.

We look forward to your reaction.

Yours Sincerely,