



Conference of Committee Chairs
The Chair

Mr Martin SCHULZ
President of the
European Parliament

301338 27.01.2015

Geda ref.: D(2015)2917

Subject: Request for association under Rule 54 by the Committee on Civil Liberties, Justice and Home Affairs (LIBE) to a non-legislative report under Rule 108(4) by the Committee on International Trade (INTA) entitled "**Recommendations to the European Commission on the negotiations for the Transatlantic Trade and Investment Partnership (TTIP)**"

Dear President, *Dear Martin,*

By letter dated 11 November 2014, the Committee on International Trade (INTA) notified a non-legislative report under Rule 108(4) entitled "*Recommendations to the European Commission on the negotiations for the Transatlantic Trade and Investment Partnership (TTIP)*". By letter dated 24 November 2014, the Committee on Civil Liberties, Justice and Home Affairs (LIBE) requested association to this report under Rule 54 of the Rules of Procedure. The INTA Committee has thereafter opposed such association by letter dated 4 December 2014 and the LIBE Committee has reiterated its request by letter dated 17 December 2014.

Despite this exchange of letters, which you will find attached, as well as consideration in the Conference of Committee Chairs, it has not been possible to find a solution acceptable to both committees. Therefore, the Conference of Committee Chairs has mandated me to make a recommendation concerning the LIBE Committee's request for association.

Objectives of the report

In its justifications for drafting a report on the topic the INTA Committee refers to its competence under Annex VI of the Rules of Procedure for scrutinizing the ongoing TTIP negotiations between the EU and the US both during the preparatory (pre-mandate) phase and during the subsequent negotiations stage. The INTA Committee intends to draw up this report under Rule 108(4) ("International agreements") and believes that Parliament should adopt a new resolution on TTIP negotiations containing its recommendations to be taken into account by the Commission.

Arguments of the parties

In its letter dated 24 November 2014, the LIBE Committee has requested association under Rule 54 to the above-mentioned report by the INTA Committee. It states that the respect for EU fundamental rights' standard as a substantive core of the EU integration process has to be fully taken into account in any future agreement. LIBE also points out that any future trade agreement should in that regard fully respect the EU data protection rules, including the rules on international transfers, and refers in this context to two legislative proposals currently deliberated by LIBE (2012/0011(COD))¹ and 2012/0010(COD))² that would have an impact on data exchange with third countries, including the US. In its second letter dated 17 December 2014 the LIBE Committee has reiterated its request for association to this report with exclusive competence under Rule 54 for aspects related to fundamental rights and data protection.

The INTA Committee has opposed the Rule 54 request submitted by LIBE in a letter dated 4 December 2014. It underlines its overall responsibility for trade agreements, whereas other parliamentary committees do not have exclusive competence on various aspects and chapters of such an agreement, otherwise it would undermine Parliament's capacity to adopt a coherent, comprehensive and balanced position on trade agreements, in particular on the ones as significant as TTIP.

Moreover, INTA assures that respecting EU fundamental rights in general and EU data protection rights specifically is very high among INTA's priorities in the context of trade agreements, in particular given that the Union's external action (including trade policy) must be guided by general principles, objectives and provisions on the Union's external action as set out in Articles 21 and 22 TEU. Finally, INTA appreciates the involvement of other committees in scrutinizing the TTIP negotiations and notes that it has proactively involved LIBE and 10 other specialized committees in this exercise even before the negotiations started. INTA had also taken on board their contributions already in the previous two resolutions. It thus wishes to work closely together with LIBE and all other relevant committees in order to incorporate their expertise into the new report as fully as possible via opinions.

Findings

The TTIP negotiations consist of negotiations on 3 main areas: market access (for goods, services and procurement), non-tariff barriers and regulatory cooperation and rules. All these areas are equally important to include in a comprehensive package that should be the aim of both negotiating parties.

I would like to point out that there is no particular chapter in the TTIP negotiations specifically dedicated to fundamental rights and/or data protection. However, under Article 205 TFEU, the Union's external action (including trade policy) must be guided by general

¹ Proposal for a Regulation of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation) (2012/0011(COD)).

² Proposal for a Regulation of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data (2012/0010(COD)).

principles, objectives and provisions on the Union's external action as set out in Articles 21 and 22 TEU ("General provisions on the Union's external action"). Moreover, the mandate³ for the TTIP negotiations as approved by the Council on 17 June 2013 clearly stipulates that *"The Agreement should confirm that the transatlantic trade and investment partnership is based on common values, including the protection and promotion of human rights and international security."*

I would also like to highlight however that the Coordination Group on the EU-US negotiations for a TTIP under your chairmanship on 14 October 2014 agreed that *"(...) the INTA Committee remained the lead committee in the Parliament with other committees would contribute on shaping the parliamentary position (...)"*⁴. The TTIP covers a wide range of areas, extending from public procurement to animal and plant health, from intellectual property to financial services. Consequently, the remit of several EP committees is affected by TTIP and for that reason it has been agreed that INTA should keep the leading role, whereas other committees should be involved in the procedure. For the purposes of the current INTA report under Rule 108(4), I believe those specialized EP committees should contribute with a simple opinion.

As you will recall, Annex VI of the Rules of Procedure attributes to the INTA Committee the competence over:

- "3. the opening, monitoring, conclusion and follow-up of bilateral, multilateral and plurilateral trade agreements governing economic, trade and investment relations with third countries and regional organisations; (...)"

whereas the LIBE Committee is responsible for:

- "1. the protection within the territory of the Union of citizens' rights, human rights and fundamental rights, including the protection of minorities, as laid down in the Treaties and in the Charter of Fundamental Rights of the European Union; (...)"
3. legislation in the areas of transparency and of the protection of natural persons with regard to the processing of personal data; (...)"

You will also recall that Rule 54 is applied only where:

"the Conference of Presidents, on the basis of Annex VI, considers that the matter falls almost equally within the competence of two or more committees, or that different parts of the matter fall within the competence of two or more committees."

In order to maintain Parliament's capacity to adopt a coherent, comprehensive and balanced position on TTIP, I believe that other parliamentary committees should not have exclusive competence over various aspects and chapters of that trade agreement. It should be kept in mind that if LIBE was afforded exclusive competence under Rule 54, other specialized committees (e.g. ECON, IMCO, AGRI, JURI etc) would have at least equally valid grounds for requesting involvement to a same degree, whereas granting exclusive competence under Rule 54 to several committees could render the procedure unmanageable. I therefore believe

³ 11103/13, Directives for the negotiation on a comprehensive trade and investment agreement, called the Transatlantic Trade and Investment Partnership, between the European Union and the United States of America

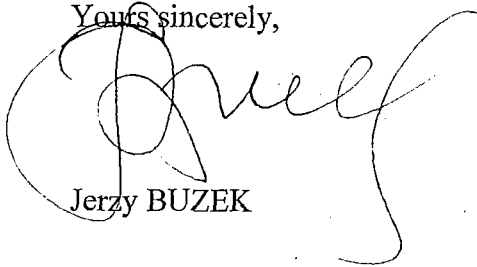
⁴ PE.538.358/CPG/GT/TTIP

that LIBE's involvement in the INTA non-legislative report under Rule 108(4) should not extend beyond Rule 53.

My recommendation to the Conference of Presidents would thus be:

1. that the Conference of Presidents took note of the intention of the INTA Committee to draft a non-legislative report under Rule 108(4) entitled "*Recommendations to the European Commission on the negotiations for the Transatlantic Trade and Investment Partnership (TTIP)*";
2. that the LIBE Committee's request for association under Rule 54 be dismissed;
3. that the LIBE Committee contribute with an opinion under Rule 53 to the above-mentioned non-legislative report.

Yours sincerely,



Jerzy BUZEK

cc: Mr LANGE, Chair of the Committee on International Trade
Mr MORAES, Chair of the Committee on Civil Liberties, Justice and Home Affairs

Annexes



ЕВРОПЕЙСКИ ПАРЛАМЕНТ PARLAMENTO EUROPEO EVROPSKÝ PARLAMENT EUROPA-PARLAMENTET
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Committee on Civil Liberties, Justice and Home Affairs
The Chairman

IPOL-COM-LIBE D (2014) 50830

Mr Bernd LANGE
Chair
Committee on International Trade
ASP 12G205
Brussels

317135 28.10.2014

Subject: cooperation between the LIBE Committee and the INTA Committee on TTIP

Dear Colleague,

I took note with great interest of the various INTE initiatives as regards TTIP.

In a spirit of close cooperation between the INTA Committee and the associated Committees in relation to the TTIP, I am pleased to inform you of the following decisions of the LIBE Committee coordinators:

- As far as fundamental rights are covered the LIBE Committee considers it necessary to hold the hearing on Data Protection and Trade Agreements (May/June 2015) as a joint hearing. (the title of which may need to be adapted).
- The LIBE Committee is ready to participate in the INTA hearing on TTIP "What's in for the European Citizens?,, (March/April 2015).
- The LIBE Committee will request an opinion as associated Committee under Rule 54 of the Rules of Procedure in relation to the LIBE competences to the upcoming INTA report on TTIP.

I would therefore be most grateful if you could keep me informed of any developments at the INTA Committee in this matter.

Yours sincerely,

Claude MORAES

Cc: Mr Jerzy BUZEK, Chair of the Conference of Committee Chairs
Legislative Coordination Unit

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318310 11.11.2014

Committee on International Trade
The Chairman

MK/mt
EXPO-COM-INTA D(2014)53535

Mr Jerzy Buzek
Chair of the Conference of Committee Chairs

Subject: Report of the Committee on International Trade containing the European Parliament's recommendations to the European Commission on the negotiations for the Transatlantic Trade and Investment Partnership (TTIP) - Rule 108(4) of the Rules of Procedure

Dear Chair,

On behalf of the Committee on International Trade (INTA), I would like to inform you that during its meeting of 5 November 2014 INTA decided to draft, under Rule 108(4) of the Rules of Procedure, a report containing Parliament's recommendations to the Commission on the negotiations for the Transatlantic Trade and Investment Partnership (TTIP).

According to Annex VI of the Rules of Procedure, INTA is, inter alia, competent "*for the [...] monitoring [and] conclusion [...] of bilateral [...] trade agreements governing economic, trade and investment relations with third countries [...]*" and it has been scrutinizing the ongoing TTIP negotiations between the EU and the US very closely both during the preparatory (pre-mandate) phase and during the subsequent negotiations stage. Before the start of the TTIP negotiations INTA was responsible for the Parliament's resolutions of 23 October 2012 on trade and economic relations with the United States (P7_TA(2012)0388) and of 22 May 2013 on EU trade and investment agreement negotiations with the US (P7_TA(2013)0227).

To date EU and US negotiators have held seven rounds of TTIP negotiations, and it is therefore timely that the Parliament should adopt a new resolution on TTIP negotiations containing its recommendations to be taken into account by the Commission. INTA opted for a report (INTA/8/01962) based on Rule 108(4), inter alia, in order to ensure a coherent approach and the possibility for opinion-giving committees to submit formal opinions.

Yours sincerely,

Bernd Lange

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ЕВРОПЕЙСКИ ПАРЛАМЕНТ PARLAMENTO EUROPEO EVROPSKÝ PARLAMENT EUROPA-PARLAMENTET
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Committee on Civil Liberties, Justice and Home Affairs
The Chairman

IPOL-COM-LIBE D (2014) 56575

Mr Martin SCHULZ
President of the European Parliament
LOW.T15003
STRASBOURG

204019 24.11.2014

Subject: *Request for authorisation to be associated under Rule 54 of the Rules of Procedure to the INTA Committee report on the European Parliament's recommendations to the European Commission on the negotiations for the Transatlantic Trade and Investment Partnership (TTIP) in order to issue an opinion*

Dear Mr President,

I am writing as regards the INTA Committee report on the European Parliament's recommendations to the European Commission on the negotiations for the Transatlantic Trade and Investment Partnership (TTIP).

Based on LIBE responsibilities I would like to raise two issues as regards future TTIP negotiations, namely the respect for EU fundamental rights' standards in general and EU data protection rights in particular.

The respect for EU fundamental rights' standard as a substantive core of the EU integration process has to be fully taken into account in any future agreement. Such a policy is historically duly reflected in EU association, trade and cooperation agreements; whereby EU external action has to mirror its internal features.

Further, data protection continues to be one of the main issues in the LIBE Committee debates in the current legislative term. As you well know, LIBE Members are working on two legislative proposals affecting also transfers of data to third countries: Regulation (2012/0011(COD)) addressing data protection in the private and public sector, except law enforcement, and Directive (2012/0010(COD)) dealing with data transfers in the law enforcement sector. The two proposals would have an impact on data exchange with third countries, including the US. Any future trade agreement

should in that regard fully respect the EU data protection rules, including the rules on international transfers.

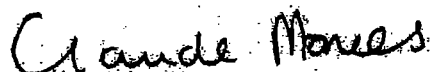
Under Annex VI to the Rules of Procedure, the LIBE Committee is the committee responsible for legislation in the areas of transparency and of the protection of natural persons with regard to the processing of personal data and the protection of fundamental rights.

For this reason the LIBE Committee has decided on 23 October 2014 that it should deliver an opinion to the INTA Committee, pursuant to Rule 54 of the Rules of Procedure regarding aspects related to protection of personal data and fundamental rights. I have already informed my colleague Mr Lange of this decision in my letter from 28 October 2014 on cooperation between the LIBE Committee and the INTA Committee on TTIP.

On behalf of the LIBE Committee I would therefore like to request that the LIBE Committee be associated with the INTA Committee to deliver an opinion under Rule 54 on this procedure with regards to the aspects relating to fundamental rights and more particularly to data protection which are of the exclusive competence of the LIBE Committee.

I am looking forward to a fruitful cooperation on this important topic with the INTA Committee with due respect to one another's competences in order to jointly identify provisions falling within exclusive or joint competence of the committees and the precise arrangements for our work.

Yours sincerely,

A handwritten signature in dark ink, reading "Claude Moraes". The signature is written in a cursive, slightly stylized font.

Claude MORAES

Cc.: - Mr Jerzy BUZEK, Chair of the Conference of Committee Chairs
- Mr Bernd LANGE, Chair of the Committee on International Trade
- Legislative Coordination Unit



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Committee on International Trade
The Chairman
MK/mt
EXPO-COM-INTA D(2014)56867

319957 04.12.2014

Mr Jerzy Buzek
Chair of the Conference of Committee Chairs

Subject: LIBE request for authorisation to be associated under Rule 54 to the INTA report containing Parliament's recommendations to the European Commission on the negotiations for the Transatlantic Trade and Investment Partnership (TTIP)

Dear Chair,

By his letter of 24 November 2014, the Chair of the Committee on Civil Liberties, Justice and Home Affairs (LIBE) requested that the LIBE committee be granted 'associated committee' (Rule 54) status for the INTA report containing Parliament's recommendations to the European Commission on the negotiations for the Transatlantic Trade and Investment Partnership (TTIP).

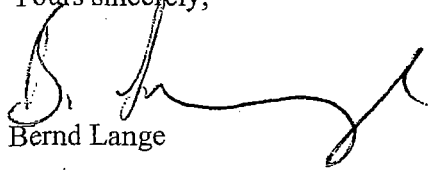
According to Annex VI of the Rules of Procedure, the INTA Committee is competent "for the opening, monitoring, conclusion and follow-up of bilateral [...] trade agreements governing economic, trade and investment relations with third countries". As has been the case in all previous trade agreements - notably since their conclusion requires that consent has to be given by the European Parliament - this INTA competence covers all chapters of a trade agreement.

The INTA Committee very much appreciates the involvement of other committees in scrutinising the TTIP negotiations and has therefore proactively involved LIBE and 10 other specialised committees in this exercise even before the negotiations were started. Moreover INTA has taken on board their contributions already in the previous two resolutions (even though at the time the opinions were submitted in the format of letters). But INTA has overall responsibility for the trade agreements, and other parliamentary committees do not have exclusive competence on various aspects and chapters of a trade agreement, because otherwise it would undermine Parliament's capacity to adopt a coherent, comprehensive and balanced position on trade agreements; in particular on a trade agreement as significant as TTIP. Therefore, LIBE does not have exclusive competence over fundamental rights and data protection in the context of trade negotiations, and should not be granted "associated committee" status.

Please also be assured, however, that respecting EU fundamental rights in general - and EU data protection rights in particular - is very high among INTA's priorities in the context of trade agreements. Not only because we value them, but because it is an obligation: under Article 205 TFEU, the Union's external action - and that includes trade policy - must be guided by general principles, objectives and provisions on the Union's external action as set out in Articles 21 and 22 TEU.

We look forward to working closely together with LIBE and all other relevant committees in order to incorporate their expertise into the new report as fully as possible, and that is also the reason why we chose Rule 108(4) report allowing other committees to draft formal opinions.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Bernd Lange', with a stylized, flowing script.

Cc: Martin Schulz, President



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Committee on Civil Liberties, Justice and Home Affairs
The Chairman

IPOL-COM-LIBE D (2014) 61227

204657 17.12.2014

Mr Martin SCHULZ
President of the European Parliament
LOW T15003
STRASBOURG

Subject: *Request for authorisation to be associated under Rule 54 to the INTA report on the European Parliament's recommendations to the European Commission on the negotiations for the Transatlantic Trade and Investment Partnership (TTIP)*

Dear Mr President,

I am referring to my previous letters of 28 October 2014 on cooperation between the LIBE Committee and the INTA Committee on TTIP and 24 November 2014 on request for authorisation to be associated under Rule 54 of the Rules of Procedure to the INTA Committee report on the European Parliament's recommendations to the European Commission on the negotiations for the Transatlantic Trade and Investment Partnership (TTIP) in order to issue an opinion, to the discussion at the Conference of Committee Chairs on 25 November 2014 on the same issue and to INTA Chair's letter of 4 December 2014 on LIBE request for authorisation to be associated under Rule 54 to the INTA report containing Parliament's recommendations to the European Commission on the negotiations for the Transatlantic Trade and Investment Partnership (TTIP).

In addition to the arguments presented in my abovementioned letters, I would like to inform you that LIBE Committee Coordinators discussed the issue again at their meeting of 15 December 2014 and came to the conclusion to insist on their request for Rule 54 opinion. Given the LIBE Committee's specific responsibility to protect the fundamental rights and taking into account the need to safeguard EU data protection standards, it would be highly important that the INTA Committee would accept without a vote an opinion from the LIBE Committee on those aspects which are of the exclusive competence of the LIBE Committee.

I am looking forward to a fruitful cooperation on this important topic with the INTA Committee with due respect to one another's competences.

Yours sincerely,

Claude MORAES

Cc.: - Mr Jerzy BUZEK, Chair of the Conference of Committee Chairs
 - Mr Bernd LANGE, Chair of the Committee on International Trade
 - Legislative Coordination Unit