1. On 28 March, the President of the European Parliament, Mr Antonio TAJANI, sent a letter[[1]](#footnote-1) to Mr Ian BORG, President of the Council of the EU, concerning the issue of non-binding criteria for the application of Articles 290 and 291 TFEU.
2. Delegations will find attached a draft reply to this letter to be approved by COREPER in accordance with Article 19(7) of the Council's Rules of Procedure.

ANNEX

Brussels, XX May 2017

Mr Antonio TAJANI

President

European Parliament

B-1047 Brussels

**Subject: Forthcoming negotiations on non-binding criteria for the application of Articles 290 and 291 TFEU**

Dear Mr Tajani,

thank you very much for your letter, dated 28/03/2017 (D 305068), concerning the forthcoming negotiations on non-binding criteria for the application of Articles 290 and 291 TFEU.

In line with the political commitments taken in the Inter-Institutional Agreement on Better Law-Making, I would like to confirm the Council's intention to participate at the negotiations between the three Institutions on this very important issue.

Under the Maltese Presidency I will have the honour to represent the Council as appointed negotiator, whereas under the incoming Estonian Presidency, the appointed negotiator will be Mr Matti Maasikas, Deputy Minister for European Affairs.

To that purpose, I regret that we were unable to meet during the April session of the European Parliament in Strasbourg, but would wish to express our availability to organise such a meeting in one of the next plenary session.

I take this opportunity to inform you that the Council is at the moment fully engaged in the examination of the Commission’s proposal aiming to adapt a number of legal acts providing for the use of the regulatory procedure with scrutiny to Articles 290 and 291 TFEU (the so-called "RPS Adaptation proposal").

The RPS Adaptation proposal was submitted by the Commission last December, in line with the political commitments taken in the Inter-Institutional Agreement on Better Law-Making. The Council considers that the legislative file concerning the RPS Adaptation could eventually help with the identification of non-binding criteria for the application of Articles 290 and 291 TFEU and that we should allow for this to move forward as much as possible.

Be assured that the Council will continue to work in close and constructive cooperation with the European Parliament and the Commission and that the Presidency will do its utmost to enhance the whole process.

Yours sincerely,

Ian BORG

President of the Council of the EU

Cc. Mr Jean-Claude JUNCKER, President of the European Commission

1. ST 8828/17 [↑](#footnote-ref-1)