

European Council

Cabinet of the President

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SGS15/14084

Brussels,

14 DEC. 2015

Honourable Member,

President Tusk has asked me to thank you for your letter of 18 November 2015 which you co-signed with 52 MEPs on the subject of the Free Trade Agreement between the EU and Singapore.

Your letter reflects a matter which concerns the Council and not the European Council, which is a separate institution.

As you know, the Commission has decided to request the opinion of the Court of Justice under Article 218(11) TFEU on whether the Union can sign and conclude the Free Trade Agreement with Singapore alone, without the participation of the Member States. As you point out, the Council and the Member States are of the view that the Free Trade Agreement with Singapore, in view of the subject matters covered by it, should be signed and concluded as a mixed agreement and hence that ratification by Member States, in addition to ratification by the Union is necessary before the agreement can enter into force.

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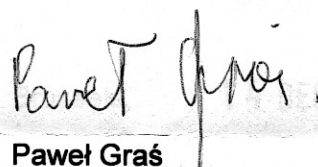
Insofar as your questions relating to signature, provisional application and conclusion by the Union is concerned, I would note that thus far the Commission has not presented the Council with formal proposals for signature and conclusion of the draft agreement. The Commissioner for Trade has on 27 November 2015 in the FAC Trade Council confirmed that the Commission will only present proposals for signature and conclusion of the Free Trade Agreement with Singapore following the outcome of the Court of Justice's opinion procedure 2/15. Provisional application could only apply as from signature and only in relation to those parts of the agreement in relation to which the Union can exercise competence and provided that the Council agrees that the Union should do so.

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Yours sincerely, 41 09

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 2015

Pawel Graś

Senior political and
Communication Advisor

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