

Interview with André Dubois: the Council and the conclusion of trade agreements (Brussels, 8 December 2006)

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[Étienne Deschamps] Mr Dubois, during your career in the Council, you devoted a great deal of time and energy to the trade policy and external relations of the Communities. Can you tell us what is, or what was, the Council's precise mandate in negotiations and in the conclusion of international agreements? And how — again in the framework of the existing institutions — were roles and responsibilities divided between them?

[André Dubois] Well, I should say that the procedure of negotiating trade agreements, association agreements, agreements in general, is very clearly defined by the Treaty. And the division of roles is very precise. The Council, acting on a recommendation from the Commission, is responsible for the decision to open negotiations and for defining the Commission's negotiating mandate. The Commission negotiates, assisted by a committee of experts, a committee that operates in the framework of trade negotiations, what we call an 'Article 113 Committee'. The six delegations were certainly present and assisted the Commission in its negotiation. It is the Council, acting on a proposal from the Commission and after consulting Parliament, that decides on the signing and conclusion of agreements. These decisions are generally taken by a qualified majority, except in the case of association agreements, which require unanimity. Lastly, Parliament is now accorded a far more important role in the conclusion of negotiations, because its assent is now required for association agreements and for agreements with significant financial implications. This, then, in broad terms, is the negotiating model. It means that, in all negotiations, and certainly in trade negotiations, the Commission is assisted by what is called the 'Article 113 Committee' or 'Special Article 113 Committee', which is composed of people responsible for trade policy in the Member States and is therefore able to assist the Commission in its negotiating.