



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 19 July 2012

**Interinstitutional File:
2011/0328 (NLE)**

**12517/1/12
REV 1**

**WTO 263
SERVICES 58
COEST 251
OC 415**

"I/A" ITEM NOTE

from : General Secretariat of the Council
to : Permanent Representatives Committee/ Council

No. Cion prop. : 16812/11 WTO 421 SERVICES 128 COEST 423

Subject : Proposal for a Council Decision on the conclusion, on behalf of the European Union, of the Agreement in the form of an Exchange of Letters between the European Union and the Government of the Russian Federation regarding the preservation of commitments on trade in services contained in the current EU-Russia Partnership and Co-operation Agreement

COMMON GUIDELINES

Consultation deadline: 17.7.2012

1. On 10 November 2011, the Commission submitted to the Council a proposal for a Council Decision on the signing, on behalf of the European Union, and provisional application of, the Agreement in the form of an Exchange of Letters between the European Union and the Government of the Russian Federation regarding the preservation of commitments on trade in services contained in the current EU-Russia Partnership and Co-operation Agreement¹, together with a proposal for a Council Decision on the conclusion of the Agreement².

¹ 16809/11 WTO 418 SERVICES 125 COEST 420

² 16812/11 WTO 421 SERVICES 128 COEST 423

2. The Council on 14 December 2011 adopted the Decision on the signing of the Agreement³. The Agreement was signed in the form of an exchange of letters on 16 December 2011.
3. In accordance with Article 218(6)(a)(v) of the Treaty on the functioning of the European Union, the Council decided on 14 December 2011 to forward the draft decision on conclusion as contained in document 16815/11 WTO 423 SERVICES 130 COEST 425 (text finalised by the Legal Linguistic experts) as well as the text of the Agreement as contained in document 16816/11 WTO 424 SERVICES 131 COEST 426 (text finalised by the Legal Linguistic experts) to the European Parliament for its consent, with a view to preparing for the conclusion of the Agreement.
4. On 4 July 2012, the European Parliament gave its consent to the conclusion of the Agreement and instructed its President to forward its position to the Council and the Commission⁴.
5. The Proposal for a Council Decision on the conclusion of the Agreement was examined by the Trade Policy Committee at its meeting on 6 July 2012 and was subsequently endorsed.
6. The Permanent Representatives Committee is therefore invited to:
 - recommend that the Council, under part "A" of the agenda of a forthcoming meeting, adopts the draft Decision on the conclusion of the Agreement as set out in doc. 16815/11 WTO 423 SERVICES 130 COEST 425 (text finalised by the Legal Linguistic experts);
 - recommend that the Council enters into its minutes the statements by the United Kingdom set out in Annex.

³ OJ L 57 of 29.2.2012, p.43.

⁴ See doc. P7_TA-PROV(2012)0284

Statements by the United Kingdom

Proposal for a Council Decision on the conclusion, on behalf of the European Union, of the Agreement in the form of an Exchange of Letters between the European Union and the Government of the Russian Federation regarding the preservation of commitments on trade in services contained in the current EU-Russia Partnership and Co-operation Agreement:

The UK does not agree with the competence analysis of the Decision on the Russian side agreement on trade in services as EU-only and is prepared to proceed as proposed with this unusual and urgent matter on the understanding that it does not establish any precedent on relevant competence matters.

The provisions relating to the temporary presence of natural persons for business purposes included in the above Decisions only bind the United Kingdom as part of the Union where it has notified its wish to participate in the above Decisions in accordance with Protocol No.21 on the position of the United Kingdom and Ireland in respect of the area of Freedom, Security and Justice.