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PROPOSAL

From: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 19 September 2016

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of
the European Union

No. Cion doc.: JOIN(2016) 41 final

Subject: Joint Proposal for a COUNCIL DECISION on the Union position within the
Association Council set up by the Euro-Mediterranean Agreement
establishing an association between the European Communities and their
Member States, of the one part, and the Hashemite Kingdom of Jordan, of
the other part, with regard to the adoption of EU-Jordan Partnership
Priorities and annexed Compact.

Delegations will find attached document JOIN(2016) 41 final.

Encl.: JOIN(2016) 41 final



HIGH REPRESENTATIVE
OF THE UNION FOR
FOREIGN AFFAIRS AND
SECURITY POLICY

Brussels, 19.9.2016
JOIN(2016) 41 final

2016/0289 (NLE)

Joint Proposal for a

COUNCIL DECISION

on the Union position within the Association Council set up by the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part, with regard to the adoption of EU-Jordan Partnership Priorities and annexed Compact.

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

- **Reasons for and objectives of the proposal**

The revised European Neighbourhood policy¹ adopted in November 2015 sets a new framework to define bilateral relations with partners. These should be captured in a political document defined as "Partnership Priorities" that are a key point of reference with partner countries in agreeing on a limited set of targeted priorities for the coming years.

The negotiation with Jordan took place in the spirit of the London conference of February 2016 "for Syria and the region", where the Commission and the HRVP proposed the definition of mutual commitments to help countries hosting the largest influx of Syrian refugees (Jordan and Lebanon). The concept is in line with the new Global Strategy for the European Union's Foreign and Security Policy², presented in June 2016 by the High Representative whereby the complete EU tool box is used in the most efficient manner to increase impact and visibility of Union support.

It was agreed between the EU and Jordan that the "Partnership Priorities" document will have as annex a "Compact" defining the respective EU and Jordan commitments. These documents will be the basis for the programming of EU assistance.

The "Partnership Priorities and Compact" reflect shared interests and focus on areas where co-operation between the EU and Jordan is of mutual benefit. It is in that light that the EU and Jordan are committed to furthering cooperation on cross-cutting issues ranging from stabilisation and security to rule of law and human rights, gender equality and empowerment of women, dialogue with civil society, migration and mobility, addressing violent extremism. The main political priorities identified in EU-Jordan relations for the coming years are:

- Strengthening cooperation on regional stability, security including counter-terrorism;
- Promoting economic stability, sustainable and knowledge-based growth, quality education and job creation;
- Strengthening democratic governance, the rule of law and human rights.

The annexed "Compact" builds on the Jordan Response Plan 2016-18 and the "Jordan 2025 - National Vision and Strategy" amongst others. It focuses on strengthening the economic resilience of Jordan while enhancing economic opportunities for Syrian refugees, through increased protection and access to employment and quality education, promoting sustainable use of natural resources.

- **Consistency with existing policy provisions in the policy area**

The Jordan-EU Partnership Priorities are the first bilateral framework agreed under the new European Neighbourhood Policy and are coherent with the priorities and modalities set in this policy, namely the stabilisation of the neighbourhood in political, economic and security

¹ Council conclusions on the Review of the European Neighbourhood Policy of 14th December 2015

² "Shared Vision, Common Action: A Stronger Europe. A Global Strategy for the European Union's Foreign and Security Policy"

terms. It is also consistent with the EU-Jordan Association Agreement which entered into force in 2002³.

- **Consistency with other Union policies**

The proposed "EU-Jordan Partnership Priorities and Compact", whilst reflecting the long standing engagement by the EU towards its Mediterranean partners, are fully aligned with the recently adopted EU Global Strategy's call for an integrated approach in addressing crises, encompassing its humanitarian, development, migration, trade, investment, infrastructure, education, health and research policies.

The documents take into account inter alia the promotion of human rights and good governance, the external dimension of EU migration policies, the increased focus on international cooperation to counter terrorism and violent extremism, the potential of trade to generate fair growth and decent employment.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

This is a proposal on the basis of Article 218(9) TFEU for a Council Decision on the Union position within the Association Council set up by the Euro Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Jordan, of the other part, with regard to the adoption of the Partnership Priorities and the annexed Compact.

Art.218(9) TFEU will ensure that the "Partnership Priorities" can be the basis for Union assistance foreseen under the European Neighbourhood Instrument⁴. The adoption of the "Partnership Priorities and the Compact" is envisaged to take place at an EU-Jordan Association Council meeting before the end of 2016 after the adoption by the Council on basis of Article 218(9) TFEU of an EU position for the Association Council itself. The adopted "Partnership Priorities and the Compact" will be the basis for the aid programming foreseen under the European Neighbourhood Instrument.

- **Subsidiarity (for non-exclusive competence)**

As the Partnership Priorities and Compact concern the relations between the EU and Jordan, these cannot be adopted at national level by Member States.

- **Proportionality**

The adoption of a Council position according to Art. 218(9) TFEU is required in view of the adoption of the Partnership Priorities and the Compact by the Association Council

³ Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part; OJ L 129/3; 15.5.2002

⁴ Regulation EU 232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighbourhood Instrument; OJ L77/27; 15.3.2014

- **Choice of the instrument**

The Council conclusions of 14 December 2015 on the Review of the European Neighbourhood Policy⁵ confirmed the "Council's intention to start a new phase of engagement with partners in 2016 which could lead to the setting of new partnership priorities, where appropriate, focused on agreed priorities and interests".

To pursue such engagement, the attached commitments are the most adequate instrument: a new binding international agreement with Jordan would have brought a disproportionate procedural burden compared with the time span to be covered by the Partnership Priorities. On the other hand, a simple Memorandum of Understanding would not have enjoyed the necessary level of endorsement required by the "action plans or equivalent jointly agreed documents" cited⁶ in the Article 3(2) of the European Neighbourhood Instrument regulation as the key points of reference for setting the priorities for Union support.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Ex-post evaluations/fitness checks of existing legislation**

Not applicable.

- **Stakeholder consultations**

These texts were drafted following close consultation with relevant Commission services and with Member States' representatives in the Council Working Group on Maghreb and Mashrek, as well as discussions with the Jordanian counterparts.

Consultation with civil society stakeholders took place in Amman and Brussels since February 2016. Main input received was the need to uphold the promotion of human rights while fighting violent extremism and supporting Jordan to host the massive influx of refugees, the need to keep a high level of engagement in the promotion of education and other children's rights, the need to maintain efforts to promote gender equality. These points were all taken into account in the attached texts.

These consultations were held following the orientations framed in the renewed European Neighbourhood Policy.

- **Collection and use of expertise**

The relevant thematic expertise was available internally, either in EU Headquarters or in the EU Delegation.

- **Impact assessment**

Not applicable.

⁵ Council conclusions on the Review of the European Neighbourhood Policy of 14th December 2015

⁶ Regulation EU 232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighbourhood Instrument; OJ L77/27; 15.3.2014, pp. 27-43

- **Regulatory fitness and simplification**

Not applicable.

- **Fundamental rights**

No consequence for the fundamental rights in the European Union Member States.

For the fundamental rights in Jordan, the consequences are expected to be positive, considering that the Jordan Government's commitments foreseen in the Partnership Priorities and the Compact include inter alia the implementation of commitments and obligations under international and national human rights law, the promotion of good governance, upholding and promoting quality public education for all children at all levels, enhancing the protection of migrants in accordance with international obligations, improving access to justice and pluralism of the media.

As regards human rights specifically, a regular dialogue between the EU and Jordan will address amongst other: freedom of expression; freedom of association including the working environment for civil society; women's rights and women's empowerment in political and public life.

4. BUDGETARY IMPLICATIONS

No additional budgetary implication beyond what is foreseen in previous international EU engagements. Any further budgetary implication will be defined by distinct proposals, such as the forthcoming 2017-2020 ENI Single Support Framework.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

The implementation of the "EU-Jordan Partnership Priorities and the Compact" will be subject to regular monitoring and at least once a year, in the context of the foreseen review mechanisms and the meetings related to the bilateral cooperation between the EU and Jordan under the existing Association Agreement.

6. REFERENCES

- (a) Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions; Review of the European Neighbourhood Policy; JOIN/2015/050 final
- (b) Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part; OJ L 129/3; 15.5.2002
- (c) Council conclusions on the Review of the European Neighbourhood Policy of 14th December 2015

- (d) Regulation EU 232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighbourhood Instrument; OJ L77/27; 15.3.2014
- (e) Joint Declaration establishing a Mobility Partnership between the Hashemite Kingdom of Jordan and the European Union and its participating Member States, Luxembourg, 9 October 2014
- (f) Agreement between the European Community and the Hashemite Kingdom of Jordan on Scientific and Technological Cooperation; OJ L 159/108; 17.6.2011
- (g) Decision No 1/2016 of the EU-Jordan Association Committee of 19 July 2016 amending the provisions of Protocol 3 to the Euro-Mediterranean Agreement establishing an Association ‘between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part, concerning the definition of the concept of originating products’ and the list of working or processing required to be carried out on non-originating materials in order for certain categories of products, manufactured in dedicated development zones and industrial areas, and connected with generating employment for Syrian refugees and Jordanians, to obtain originating status; OJ, L233/6; 30.8.2016
- (h) European Commission. Proposal for a Decision of the European Parliament and of the Council providing further macro-financial assistance to the Hashemite Kingdom of Jordan COM(2016) 431 final; 29.6.2016
- (i) European Commission Implementing Decision of 24.7.2014 adopting a Single Support Framework for European Union support to Jordan for the period 2014-2017; C(2014) 5130 final

Joint Proposal for a

COUNCIL DECISION

on the Union position within the Association Council set up by the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part, with regard to the adoption of EU-Jordan Partnership Priorities and annexed Compact.

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 217 in conjunction with Article 218(9) thereof,

Having regard to the joint proposal of the High Representative of the Union for Foreign Affairs and Security Policy and of the European Commission,

Whereas:

- (1) The Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part, was signed on 24 November 1997 and entered into force on 1 May 2002⁷.
- (2) A Joint communication by the High Representative of the Union for Foreign Affairs and Security Policy and by the European Commission of 18 November 2015 on the Review of the European Neighbourhood Policy⁸ has been welcomed by the Council Conclusions of 14 December 2015, where inter alia the Council confirmed the intention to start a new phase of engagement with partners in 2016 which could lead to the setting of new partnership priorities, where appropriate, focused on agreed priorities and interests.
- (3) The shared goal of the EU and Jordan for a common area of peace, prosperity and stability implies working together, particularly through co-ownership and differentiation, and to take stock of Jordan's key role in the region.
- (4) While addressing the most urgent challenges, the EU and Jordan continue to pursue the core objectives of their long term partnership and enhance stability and resilience of the country and the region as well as sustained and knowledge based economic

⁷ Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part; OJ L 129/3; 15.5.2002

⁸ Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions; Review of the European Neighbourhood Policy; JOIN/2015/050 final

growth and social development in accordance with the rule of law and based on democratic governance.

HAS ADOPTED THIS DECISION:

Article 1

The Union position within the Association Council set up by the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part, with regard to the adoption of EU-Jordan Partnership Priorities and annexed Compact shall be based on the texts annexed to this Decision.

Article 2

This Decision shall enter into force on the date of its adoption.

Done at Brussels,

*For the Council
The President*