



EUROPEAN
COMMISSION

HIGH REPRESENTATIVE
OF THE UNION FOR
FOREIGN AFFAIRS AND
SECURITY POLICY

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Joint Proposal for a

COUNCIL DECISION

on the signing, on behalf of the European Union, and provisional application of the Cooperation Agreement on Partnership and Development between the European Union and its Member States, of the one part, and the Islamic Republic of Afghanistan, of the other part

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

On 10 November 2011, the Council adopted a Decision authorising the European Commission to negotiate a Cooperation Agreement on Partnership and Development ('CAPD') between the European Union and the Islamic Republic of Afghanistan. The negotiations were concluded on 29 April 2015 following the 4th round of negotiations held in Brussels. The CAPD was initialled on 2 July 2015 in Kabul.

On 13 January 2016, the HR and the Commission presented to the Council the Joint Proposal for Council Decisions on the signing and conclusion of the CAPD, as an agreement between the European Union and Afghanistan ('EU- only')¹. While agreeing with the substance of the Agreement, Member States in COASI unanimously expressed preference for a 'mixed' Agreement with provisional application.

This position has been confirmed formally by COREPER on 7 September 2016, which asked the Commission and the High Representative to revise the proposals accordingly to take into account mixity and provisional application. The change of the CAPD to 'mixed' and the insertion of new provisions on provisional application has thereafter been discussed and agreed with the Afghan side.

The CAPD will be the first contractual relationship between the Union and Afghanistan, confirming the EU's commitment to Afghanistan's future development during the 'decade of transformation' (2014-2024). It is the legal framework for the substantial EU-Afghanistan cooperation developed since 2001 and enshrined in the current EU Afghanistan Strategy 2014-2016, adopted by the Council in June 2014, as well as in the Multiannual Indicative Program 2014-2020 under the Development Cooperation Instrument. The CAPD will form the basis of EU-Afghan relations for the next ten years, and could be automatically extended for periods of 5 years.

The CAPD reflects the principles and conditions on which the EU - Afghanistan future partnership will be based (Title I and II). It includes the essential elements clauses on human rights and non-proliferation. The CAPD equally provides for the possibility of cooperation in a broad range of area, including development (Title III), trade and investment (Title IV) and justice and the rule of law (Title V). The latter comprises not only extensive clauses on the fight against organized crime, money laundering and counter-narcotics but also the cooperation on migration, with the explicit reference to conclude a readmission agreement. The CAPD also includes chapters on a number of specific areas for sectoral cooperation (Title VI), all confirming that the CAPD is about cooperation.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

Legal basis

According to settled case-law, the choice of the legal basis must rest on objective factors amenable to judicial review, which include the aim and content of that measure.

The aim of the Agreement, as described in Article 2 *Nature and Scope*, is to establish a partnership between the parties that rests on a multipillar approach, in order to strengthen dialogue and cooperation.

¹ see JOIN (2015) 35 final and JOIN(2015) 36 final and Council documents st 15503/15 and 15504/15.

The Agreement covers political cooperation (Title II), development cooperation (Title III), cooperation on trade and investment matters (Title IV), cooperation in matters of justice and home affairs (Title V), sectoral cooperation (Title VI) and regional cooperation (Title VII). In addition, the Agreement includes provisions on the institutional framework (Title VIII) and final provisions (Title IX).

A detailed analysis of the aim and content of the Agreement indicates that some of the provisions of the Agreement fall within the scope of the common foreign and security policy, and some other elements fall under the trade policy, as well as under the development cooperation policy of the European Union. The analysis further shows that neither of these elements can be regarded as ancillary to any of the other mentioned elements and none of the three mentioned elements can be clearly identified as the main component. Consequently, the proposal should be based on multiple legal bases, namely Article 37 TEU and Articles 207 and 209 TFEU.

Legal nature

From a legal point of view, the analysis of the scope of the CAPD indicates that the Treaties conferred power upon the EU to act in all areas falling under the scope of the CAPD. On the basis of this legal analysis, the HR and the Commission have initially proposed the draft agreement, for signature and conclusion, as an 'EU-only' agreement. From a political point of view, the HR and the Commission considered that the far shorter and much more predictable ratification procedure for the entry into force of the CAPD as an 'EU-only' agreement responded to the interests of the Union to proceed quickly at this crucial juncture in Afghanistan's transition. The expeditious entry into force of the CAPD could signal the Union's full commitment to Afghanistan's successful transition.

However, as stated above, Member States in the Council (COASI Working Groups on 13 January and 20 July 2016 and COREPER on 7 September 2016) have unanimously requested the Commission and the HR to turn the Agreement into a mixed one with provisional application. Following this position and to avoid long delays in the agreement's ratification process, the Commission and the HR have decided to adjust the agreement and their proposal for signing is to be complemented by a proposal for partial provisional application accordingly, to reflect mixity and provisional application.

The attached draft therefore proposes the signing of the Agreement as a mixed agreement. It also includes the provisional application of a number of provisions which would be usefully applied on a provisional basis between the EU and Afghanistan pending the entry into force of the Agreement.

Other legal considerations

The Agreement sets up an institutional framework composed of the Joint Committee (see Title VIII, Article 49 *Institutional framework*). The Joint Committee may set up special committees or working groups to assist it with the performance of its tasks. Article 54 *Fulfilment of obligations* also sets out a procedure for settling disputes, to be used should one of the parties fail to fulfil its obligations under the Agreement.

The Agreement is valid for an initial period of ten years from its entry into force. It will automatically be extended for subsequent consecutive periods of five years unless, six months prior to the expiry of its validity, one of the parties notifies the other in writing of its intention not to extend it. The Agreement can be terminated at six months' notice.

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

The Council has been kept informed at all stages of the negotiations. It has been regularly consulted in the relevant Working Party on Asia.

The European Parliament has also been kept fully informed throughout negotiations and the High Representative of the Union for Foreign Affairs and Security Policy (High Representative) sent a copy of the initialled agreement to the President of the European Parliament on 20 July 2015.

The High Representative and the Commission consider that the objectives set by the Council in its negotiating directives have been met, and that the draft Agreement can be submitted for signature and provisional application.

Joint Proposal for a

COUNCIL DECISION

on the signing, on behalf of the European Union, and provisional application of the Cooperation Agreement on Partnership and Development between the European Union and its Member States, of the one part, and the Islamic Republic of Afghanistan, of the other part

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, in particular Article 37 thereof,

Having regard to the Treaty on the Functioning of the European Union, in particular Articles 207 and 209, in conjunction with Article 218(5) and the second subparagraph of Article 218(8) thereof,

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

Whereas:

- (1) In November 2011, the Council authorised the Commission and the High Representative of the Union for Foreign Affairs and Security Policy to open negotiations with the Islamic Republic of Afghanistan on a Cooperation Agreement on Partnership and Development².
- (2) Negotiations on the Cooperation Agreement were successful, and the Agreement was initialled on 2 July 2015 in Kabul.
- (3) Article 59 of the Agreement provides for the provisional application of the Agreement before its entry into force.
- (4) The Agreement should therefore be signed on behalf of the EU and applied in part on a provisional basis, pending the completion of the procedures for its conclusion,

HAS ADOPTED THIS DECISION:

Article 1

The signing of the Cooperation Agreement on Partnership and Development between the European Union and its Member States, of the one part, and the Islamic Republic of Afghanistan, of the other part, is hereby approved on behalf of the Union, subject to the conclusion of the said Agreement.

The text of the Agreement is attached to this Decision.

² Council Decisions of 10 November 2011 (doc. st 16146/11 and st16147/11)

Article 2

1. Pending its entry into force, in accordance with Article 59 of the Agreement and subject to the notifications provided for therein, the following parts of the Agreement shall be applied provisionally between the Union and the Islamic Republic of Afghanistan, but only to the extent that they cover matters falling within the Union's competence, including matters falling within the Union's competence to define and implement a common foreign and security policy:
 - Article 2 '*General principles*';
 - Article 3 '*Political dialogue*';
 - Article 4 '*Human rights*';
 - Article 5 '*Gender equality*';
 - Title III '*Development cooperation*';
 - Title IV '*Cooperation on trade and investment matters*';
 - Article 28 '*Cooperation on migration*';
 - Title VII '*Regional cooperation*';
 - Title VIII '*Institutional framework*', to the extent that the provisions of that Title are limited to the purpose of ensuring the provisional application of the Agreement;
 - Title IX '*Final provisions*', to the extent that the provisions of that Title are limited to the purpose of ensuring the provisional application of the Agreement;
2. The date from which the parts of the Agreement is to be provisionally applied shall be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

Article 3

The Council General Secretariat shall establish the instrument of full powers to sign the Agreement, subject to its conclusion, for the person(s) indicated by the negotiators of the Agreement.

Article 4

This Decision shall enter into force on the day following that of its adoption.

Done at Brussels,

For the Council
The President



HIGH REPRESENTATIVE
OF THE UNION FOR
FOREIGN AFFAIRS AND
SECURITY POLICY

Brussels, 22.9.2016
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ANNEX 1

ANNEX

to the

Joint Proposal for a

Council Decision

on the signing, on behalf of the European Union, and provisional application of the Cooperation Agreement on Partnership and Development between the European Union and its Member States, of the one part, and the Islamic Republic of Afghanistan, of the other part

COOPERATION AGREEMENT
ON PARTNERSHIP AND DEVELOPMENT
BETWEEN THE EUROPEAN UNION AND ITS MEMBER STATES, OF THE ONE PART,
AND THE ISLAMIC REPUBLIC OF AFGHANISTAN, OF THE OTHER PART

THE EUROPEAN UNION, hereinafter referred to as “the Union” or “the EU”,

and

THE KINGDOM OF BELGIUM,

THE REPUBLIC OF BULGARIA,

THE CZECH REPUBLIC,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF ESTONIA,

IRELAND,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

THE REPUBLIC OF CROATIA,

THE ITALIAN REPUBLIC,

THE REPUBLIC OF CYPRUS,

THE REPUBLIC OF LATVIA,

THE REPUBLIC OF LITHUANIA,

THE GRAND DUCHY OF LUXEMBOURG,

HUNGARY,

THE REPUBLIC OF MALTA,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE REPUBLIC OF POLAND,

THE PORTUGUESE REPUBLIC,

ROMANIA,

THE REPUBLIC OF SLOVENIA,

THE SLOVAK REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

Member States of the European Union, hereinafter referred to as the 'Member States',

of the one part, and

THE ISLAMIC REPUBLIC OF AFGHANISTAN, hereinafter referred to as “Afghanistan”,

of the other part,

hereinafter jointly referred to as “the Parties”,

REAFFIRMING their commitment to Afghanistan’s sovereignty, independence and territorial integrity;

REAFFIRMING their attachment to the general principles of international law, the purposes and principles of the Charter of the United Nations, international conventions and UN Security Council resolutions;

RECOGNISING the historical, political and economic ties which unite the Parties;

CONFIRMING their desire to enhance their cooperation on the basis of shared values and to their mutual benefit;

CONSIDERING the shared policy goals, values and commitments the Parties subscribe to, including respect for democratic principles, the rule of law, human rights and good governance;

ACKNOWLEDGING that these principles are part and parcel of long-term development;

RECOGNISING that the Afghan people, through their legitimate, democratic institutions and under the Constitution of Afghanistan, are the rightful owners and drivers of Afghanistan's stabilisation, development and democratisation processes;

WHEREAS the Union is committed to supporting Afghanistan's efforts to maximise its development over the coming decade of transformation;

UNDERLINING the mutual commitments made at the international Afghanistan conferences in Bonn in December 2011, Tokyo in July 2012 and London in 2014;

REAFFIRMING Afghanistan's commitment to continue to improve governance and the Union's commitment to an enduring engagement with Afghanistan;

WHEREAS the Parties attach particular importance to the comprehensive nature of the relationship they intend to foster through this Agreement;

REAFFIRMING their desire to promote economic and social progress for their peoples and their will to consolidate, deepen and diversify their relations in areas of mutual interest;

RECOGNISING that, in keeping with the Constitution of Afghanistan, women's empowerment and their full participation on the basis of equality in all spheres of society, including participation in decision making in the political process at all levels, are fundamental for the achievement of equality and peace;

RECOGNISING the importance of development cooperation with developing countries, especially low-income, post-conflict and landlocked countries, for their sustained economic growth and sustainable development, for timely and full realisation of internationally agreed development goals, including the UN Millennium Development Goals and any subsequent development benchmarks adopted by Afghanistan, and for Afghanistan's improved integration in the region;

RECOGNISING that effective measures must be taken to promote integrity and accountability, ensure the correct use of public funds and combat corruption;

RECOGNISING that enhanced cooperation between the Parties should support Afghanistan's ability to improve the quality of its administration and governance, and the transparency and effectiveness of public finance management;

REAFFIRMING the importance of coordination in relevant regional and multilateral fora, in particular as regards the Parties' approaches to global challenges and regional economic cooperation;

RECOGNISING that terrorism poses a threat to their people and their common security, and expressing their full commitment to fighting all forms of terrorism, establishing effective international cooperation and instruments to eradicate them in conformity with international law, including human rights and humanitarian law;

REAFFIRMING their shared commitment to combating organised crime, including human trafficking, migrant smuggling and drug trafficking, including through regional and international mechanisms;

RECOGNISING the threat to health and security posed by illicit narcotics and the need for concerted regional and international cooperation to counter the cultivation, production, facilitation, trafficking and consumption of, and demand for, narcotics and the diversion of drug precursors, and recognising the importance of alternative livelihoods for poppy-growers in this context;

RECOGNISING the need to respect international disarmament and non-proliferation commitments;

CONSIDERING that the International Criminal Court constitutes an important development for peace and international justice, which aims at the effective prosecution of the most serious crimes of concern to the international community;

RECOGNISING that trade and foreign direct investment will play a significant role in Afghanistan's development and that the Parties attach particular importance to the principles and rules on international trade contained, *inter alia*, in the Agreement Establishing the World Trade Organisation (WTO);

EXPRESSING their full commitment to promoting sustainable development in all its dimensions, including aspects such as environmental protection, effective cooperation to combat climate change and the effective promotion and implementation of internationally recognised labour standards;

UNDERLINING the importance of cooperation on migration;

RECOGNISING that the situation and fundamental rights of refugees and internally displaced persons, including their safe, orderly and voluntary return to their homes, require particular attention;

NOTING that, in case the Parties decided, within the framework of this Agreement, to enter into specific agreements in the area of freedom, security and justice which were to be concluded by the Union pursuant to Title V of Part Three of the Treaty on the Functioning of the European Union, the provisions of such future agreements would not bind the United Kingdom and/or Ireland unless the Union, simultaneously with the United Kingdom and/or Ireland as regards their respective previous bilateral relations, notifies Afghanistan that the United Kingdom and/or Ireland has/have become bound by such agreements as part of the Union 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, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union. Likewise, any subsequent EU-internal measures which were to be adopted pursuant to the above-mentioned Title V to implement this Agreement would not bind the United Kingdom and/or Ireland unless they have notified their wish to take part or accept such measures in accordance with Protocol No 21. Also noting that such future agreements or such subsequent EU-internal measures would fall under Protocol (No 22) on the position of Denmark, annexed to the said Treaties,

HAVE AGREED AS FOLLOWS:

TITLE I

NATURE AND SCOPE

ARTICLE 1

1. A Partnership is hereby established between the Parties within the limits of their respective competences, in accordance with their respective regulations, procedures and resources, and in full respect for international rules and norms.
2. The objectives of this Partnership are to strengthen dialogue and cooperation with a view to:
 - (a) supporting peace and security in Afghanistan and the region;
 - (b) promoting sustainable development, a stable and democratic political environment, and the integration of Afghanistan into the world economy;
 - (c) establishing a regular dialogue on political issues, including the promotion of human rights and gender equality and the involvement of civil society;
 - (d) promoting development cooperation in the context of the Parties' common commitment to poverty eradication and aid effectiveness;

- (e) developing trade and investment between the Parties, to their mutual advantage and with a view to cooperating in all economic, trade- and investment-related areas of mutual interest, in order to facilitate sustainable trade and investment flows and to prevent and remove barriers to trade and investment, in a consistent and complementary manner with respect to ongoing and future regional initiatives;
- (f) improving coordination between the Parties on global challenges, in particular by promoting multilateral solutions; and
- (g) fostering dialogue and cooperation in a range of specific sectors of mutual interest, including the modernisation of public administration and public finance management, justice and home affairs, environment and climate change, natural resources and raw materials, security sector reform, education and training, energy, transport, agriculture and rural development, financial services, taxation, customs, employment and social development, health and safety, statistics, regional cooperation, culture, information technology and the audiovisual/media sector.

3. In this context, capacity building shall be given particular attention in order to support the development of Afghan institutions and ensure that Afghanistan can benefit fully from the opportunities offered by enhanced cooperation under this Agreement.

4. The Parties shall encourage contacts between parliamentarians, members of civil society, and professionals with a view to furthering the objectives of this Agreement, in particular with respect to supporting parliamentary and other democratic institutions.

5. The Parties shall seek to promote understanding, *inter alia* through cooperation among entities such as think-tanks, academia, businesses and the media in the form of seminars, conferences, youth interaction and other activities.

ARTICLE 2

General principles

1. The Parties confirm their shared values as expressed in the Charter of the United Nations.
2. The Parties recognise that the Afghan people, through their legitimate, democratic institutions and under the Constitution of Afghanistan, are the rightful owners and drivers of Afghanistan's stabilisation, development and democratisation processes.
3. Respect for democratic principles and human rights, as laid down in the Universal Declaration of Human Rights and other relevant international human rights instruments, and for the principle of the rule of law underpins the internal and international policies of both Parties and constitutes an essential element of this Agreement.
4. The Parties confirm their commitment to cooperating further towards the full achievement of internationally agreed development goals, including the Millennium Development Goals, as adopted by Afghanistan, and any subsequent development benchmarks. In so doing, they recognise Afghanistan's responsibility for preparing and implementing its plans for economic and social development and for relevant development policies, including the National Priority Programmes. They reaffirm their attachment to a high level of environmental protection, an inclusive society and gender equality in this context.

5. The Parties reaffirm their attachment to the principles of good governance, including the independence of parliaments and the judiciary and the fight against corruption at all levels.

6. The Parties agree that cooperation under this Agreement will be in accordance with their respective legislation, rules and regulations.

TITLE II

POLITICAL COOPERATION

ARTICLE 3

Political dialogue

A regular political dialogue shall be established between the Parties, which may, as appropriate, take place at ministerial level. It shall strengthen their relations, contribute to the development of a partnership and increase mutual understanding and solidarity. The Parties shall strengthen their political dialogue in support of their common interests, including their respective positions in regional and international fora.

A. COOPERATION IN THE FIELDS OF HUMAN RIGHTS, GENDER EQUALITY AND CIVIL SOCIETY

ARTICLE 4

Human rights

1. Further to Article 1(2)(c) and Article 2(3), the Parties agree to cooperate in the promotion and effective protection of human rights, including, as appropriate, with regard to the ratification and implementation of international human rights instruments. They shall review the implementation of this provision in the course of their political dialogue.
2. The cooperation referred to in paragraph 1 may include, *inter alia*:
 - (a) supporting the development and implementation of domestic action plans on human rights;
 - (b) human rights promotion and education;
 - (c) strengthening national and sub-national human rights related institutions in Afghanistan;

- (d) establishing a meaningful, broad-based human rights dialogue; and
- (e) strengthening cooperation within the human rights related institutions of the United Nations.

ARTICLE 5

Gender equality

1. The Parties shall cooperate to strengthen gender-related policies and programmes and institutional and administrative capacity building, and to support the implementation of strategies on gender equality, including women's rights and empowerment, in order to ensure the equitable participation of men and women in all areas of economic, cultural, political and social life. In particular, cooperation shall focus on improving women's access to the resources they need for the full exercise of their fundamental rights, in particular education.
2. The Parties shall promote the creation of an adequate framework to:
 - (a) ensure that gender-related issues are duly incorporated into all development strategies, policies and programmes, in particular those on political participation, health and literacy; and
 - (b) exchange experiences and best practices in promoting gender equality, and promote the adoption of positive measures in favour of women.

ARTICLE 6

Civil society

1. The Parties recognise the role and potential contribution of organised civil society, especially academics, in the dialogue and cooperation process under this Agreement, and agree to promote effective dialogue with civil society and its effective participation.

2. The Parties shall work together to foster the role of civil society, so as to enable it to:
 - (a) be consulted in the domestic policy-making process, according to democratic principles and constitutional provisions;

 - (b) be informed of and participate in consultations on development and cooperation strategies and sectoral policies, particularly in areas concerning it, including all stages of the development process;

 - (c) receive financial resources, insofar as the internal rules of each Party so allow, consistent with the principles of transparency and accountability, and capacity-building support in critical areas; and

 - (d) participate in the implementation of cooperation programmes in the areas that concern it.

B. PEACE-BUILDING

ARTICLE 7

Peace-building policies, conflict prevention and resolution

1. The Parties underscore their commitment to efforts towards peace and reconciliation, led by Afghanistan. They emphasise the importance of an inclusive peace process based on consensus among all Afghans, as expressed in the Peace Jirga of July 2010 and the traditional Loya Jirga of November 2011. They acknowledge that a prerequisite for a successful peace process is its ownership by the Afghan people and institutions, with strong support from the international community.
2. The Parties shall promote dialogue among countries in the region and beyond so as to allow them to play a full role in supporting and facilitating the peace process.
3. The Parties reaffirm the important role of women in the resolution of conflicts and in peace building. They stress the importance of full participation and involvement of women in all efforts to maintain and promote peace and security, and the need to increase their role in decision making with regard to conflict resolution, in accordance with UN Security Council Resolution 1325(2000).
4. Joint activities in this field shall include the promotion of long-term peace building in Afghanistan and support for an active role for civil society in accordance with the principles of the New Deal for Engagement in Fragile States.

C. SUPPORT FOR INTERNATIONAL SECURITY

ARTICLE 8

Cooperation with respect to the Rome Statute

The Parties consider that the effective functioning of the International Criminal Court (ICC) constitutes an important development for international peace and justice. They reaffirm that the most serious crimes of concern to the international community as a whole shall be addressed first by taking measures at domestic level in cooperation with the ICC. They agree to cooperate in order to promote universal adherence to the Rome Statute by:

- (a) taking steps, as appropriate, to ratify instruments related to the Rome Statute, such as, in particular, the Agreement on the Privileges and Immunities of the ICC;
- (b) sharing experience on the legal adjustments required to allow for ratification and implementation of the Rome Statute; and
- (c) taking measures to preserve the integrity of the Rome Statute.

ARTICLE 9

Countering the proliferation of weapons of mass destruction and chemical, biological, radiological and nuclear risk

1. The Parties consider that the proliferation of weapons of mass destruction (WMD) and their means of delivery, to both state and non-state actors, represents one of the most serious threats to international stability and security.
2. The Parties therefore agree to cooperate in international fora with a view to countering the proliferation of WMD and their means of delivery through full compliance with, and domestic implementation of, their existing obligations under multilateral disarmament and non-proliferation treaties and conventions, as well as other multilaterally negotiated agreements and international obligations. They agree that this provision constitutes an essential element of this Agreement.
3. The Parties further agree to cooperate in, and take steps towards, strengthening the implementation of international instruments on disarmament and the non-proliferation of WMD and their means of delivery which are applicable to both Parties by, *inter alia*, sharing information, expertise and experience.
4. The Parties agree to cooperate and to contribute to countering the proliferation of WMD and their means of delivery by taking action towards signing, ratifying or acceding to, as appropriate, and fully implementing all other relevant international instruments.

5. The Parties furthermore agree to cooperate in order to establish effective domestic export controls, to prevent proliferation, and to control the export and transit of WMD-related goods, including through WMD end-use controls on dual-use technologies and with effective deterrents on breaches of export controls.

6. The Parties recognise that chemical, biological, radiological and nuclear (CBRN) risks may have a highly disruptive effect on societies. They also recognise that the risks may stem from criminal activities (proliferation, trafficking), accidents (industry, transport, laboratories) or natural hazards (pandemics). Consequently, they undertake to cooperate in order to reinforce institutional capacity to mitigate CBRN risks. This may entail projects on legal, regulatory, enforcement, scientific and preparedness issues, and cooperation at regional level.

7. The Union shall, as appropriate, provide support for these efforts, centring on capacity building and technical assistance.

ARTICLE 10

Small arms and light weapons and other conventional weapons

1. The Parties recognise that the illicit manufacture, transfer and circulation of small arms and light weapons (SALW), including their ammunition, and their excessive accumulation, poor management, inadequately secured stockpiles and uncontrolled spread continue to pose a serious threat to peace and international security.

2. The Parties agree to observe and fully implement their respective obligations to deal with the illicit trade in SALW, including their ammunition, under existing international agreements and UN Security Council resolutions, as well as their commitments in the framework of other international instruments applicable in this area, such as the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in SALW in All Its Aspects.

3. The Parties recognise the importance of domestic control systems for the transfer of conventional arms in line with existing international standards. They recognise the importance of applying such controls in a responsible manner, as a contribution to international and regional peace, security and stability, to reducing human suffering and preventing the diversion of conventional weapons.

4. The Parties undertake to cooperate and to ensure coordination, complementarity and synergy in their efforts to regulate or to improve the regulation of international trade in conventional arms and to prevent, combat and eradicate the illicit trade in arms. They agree to establish regular political dialogue that will accompany and consolidate this undertaking.

ARTICLE 11

Counter-terrorism

1. The Parties are determined to combat terrorism in all its forms, including in the regional context, in full respect for the rule of law and international law, and to work together to prevent the spread of extremist ideologies and, in particular, the radicalisation of young people. They commit themselves to working with their international partners on the comprehensive implementation of the UN Global Counter-Terrorism Strategy.
2. The Parties agree to cooperate on matters relevant to combating terrorist activities and to exchange information on all relevant issues, as appropriate and in accordance with domestic and international law. Counter-terrorism shall represent an important element in their cooperation. They agree to promote the implementation of relevant international instruments and conventions in this field. In this context, capacity building will cover relevant areas of criminal justice.

TITLE III

DEVELOPMENT COOPERATION

ARTICLE 12

Development cooperation

1. The central objectives of development cooperation are achievement of the Millennium Development Goals (and any subsequent development benchmarks), poverty eradication, sustainable development and integration into the world economy, with particular attention to the most vulnerable elements in society. The Parties recognise that their cooperation is key to addressing Afghanistan's development challenges and that institution building should be a fundamental part of it.
2. This cooperation shall take account of Afghanistan's socio-economic development strategies and programmes, in particular its National Development Strategy and other measures agreed at international conferences on Afghanistan's development, the 2010 London Declaration, the Kabul Process, the December 2011 Bonn Conference conclusions and the Tokyo Declaration on a Partnership for Self-Reliance in Afghanistan and the Tokyo Mutual Accountability Framework of July 2012, taking fully into account the Afghan Government's economic and development strategy "Realising Self-Reliance: Commitments to Reforms and Renewed Partnership", as presented at the 2014 London Conference.

3. The Parties shall use their development cooperation to, *inter alia*, reinforce Afghanistan's institutions of governance and to put in place the conditions for sustainable development and long-term economic growth, in line with the National Priority Programmes and Afghanistan's economic and development strategy "Realising Self-Reliance: Commitments to Reforms and Renewed Partnership". These will be the principal vehicles for implementing this strategy and the commitments made by Afghanistan in Bonn, Tokyo and London. The Union, in its cooperation with Afghanistan, shall take fully into account the Tokyo Mutual Accountability Framework (or any mutually agreed successor thereto) and, in programming its assistance, it shall take account of the commitments, including the financial commitments, and the detailed arrangements set out in that Framework.

4. The Parties confirm the objective of achieving the Millennium Development Goals, as adopted by Afghanistan, and any subsequent development benchmarks, and reaffirm their commitment to the Paris Declaration on Aid Effectiveness, the Accra Agenda for Action and the Busan Outcome Document, in particular with reference to the New Deal for Engagement in Fragile States.

5. The Parties agree to promote cooperation activities in accordance with their respective regulations, procedures and resources, and in full respect for international rules and norms. They agree that their development cooperation will be consistent with the requirements of their common commitment to aid effectiveness, implemented in a manner that respects Afghan ownership, aligned with Afghanistan's national priorities, and conducive to tangible and sustainable development outcomes for the people of Afghanistan and to the long-term economic sustainability of the country, as agreed in the context of international conferences on Afghanistan. They agree to maximise the peace-building potential of development aid wherever possible in the framework of the New Deal for Engagement in Fragile States.

6. The Parties therefore agree to monitor the impact of their development cooperation on a regular basis, through the Joint Committee established under Article 49, and to assess its contribution to achieving the Millennium Development Goals, as adopted by Afghanistan, and any subsequent development benchmarks.
7. The following thematic or cross-cutting themes will be systematically mainstreamed in all areas of development cooperation: human rights, gender issues, democracy, good governance, environmental sustainability, climate change, health, institutional development and capacity building, anti-corruption measures, counter-narcotics and aid effectiveness.
8. As regards infrastructure components, the Parties shall explore the use of mechanisms such as blending grants and loans from international financial institutions, and other means of sharing risk, with a view to leveraging further resources and thus increasing the impact of Union assistance.
9. The Parties agree that their economic cooperation must be implemented so as to protect the interests of the most vulnerable members of society, including women and children, with an emphasis on health, education, and agriculture and rural development.
10. The Parties agree that trade should promote sustainable development in all its dimensions and that its economic, social and environmental impacts should be assessed. They agree to encourage their companies to adopt the highest standards of responsible business conduct, in line with internationally agreed principles and standards, such as those set out in the OECD Guidelines for Multinational Enterprises or the UN Global Compact.

11. The Parties shall seek to promote the effective implementation of International Labour Organisation (ILO) core labour standards and shall reinforce cooperation on employment and social issues, including the principles of decent work.

12. The Parties furthermore aim to promote policies designed to guarantee the availability and supply of food to the population and of feed to livestock, in an environment-friendly and sustainable manner.

13. The Parties undertake to exchange views and cooperate in all relevant regional and international fora and organisations, including the United Nations and its agencies and organisations, with a view to enhancing the division of labour in development cooperation and aid-effectiveness on the ground.

14. The Parties also agree to promote cooperation in the fields mentioned in this Article between think-tanks, academics, non-governmental organisations, businesses, cultural operators and the media through the organisation of seminars, conferences and other related activities, as appropriate.

TITLE IV

COOPERATION ON TRADE AND INVESTMENT MATTERS

ARTICLE 13

Trade cooperation

1. The Parties shall engage in a dialogue on bilateral and multilateral trade and trade-related issues with a view to strengthening bilateral trade relations and advancing the multilateral trade system, including by supporting Afghanistan's WTO membership.
2. The Parties undertake to promote the development and diversification of their commercial exchanges to the highest possible level and to their mutual benefit. They undertake to establish enhanced and predictable market-access conditions by working towards the elimination of barriers to trade, in particular through the timely removal of non-tariff barriers and restrictions to trade that are not consistent with WTO rules, and by taking measures to improve transparency, having regard to the work carried out in this field by international organisations of which both Parties are members.
3. Recognising that trade plays an indispensable role in development and that preferential trade arrangements have proven beneficial to developing countries, the Parties shall endeavour to intensify consultations and cooperation on their effective implementation.

4. The Parties shall keep each other informed as to the development of trade and trade-related policies such as those on agriculture, food safety, consumer protection and the environment. They will explore opportunities to strengthen their trade and investment relations, including, where appropriate, the negotiation of other agreements of mutual interest.
5. The Parties shall make full use of the Aid for Trade and other relevant programmes, including technical assistance for capacity building, for the purposes of enhancing their bilateral trade and investment relations.
6. The Parties recognise the importance of promoting regional economic development, in accordance with Title VII of this Agreement.
7. The Parties shall consult expeditiously, in accordance with Article 54, on any divergences of views regarding the application of this Title.

ARTICLE 14

Most-favoured-nation treatment

1. The Parties shall grant each other most-favoured-nation treatment in their trade in accordance with the 1994 General Agreement on Tariffs and Trade.
2. The most-favoured-nation treatment provided for in paragraph 1 shall not apply to preferences granted by either Party under any arrangement pursuant to agreements establishing a customs union, a free-trade area or an equivalent area of preferential treatment.

ARTICLE 15

Sanitary and phytosanitary matters

1. The Parties shall cooperate on food safety and on sanitary and phytosanitary matters to protect human, animal or plant life or health in their respective territories.
2. The Parties shall discuss and exchange information on their respective measures as defined in the WTO Agreement on the Application of Sanitary and Phytosanitary Measures, the International Plant Protection Convention, and by the World Organisation for Animal Health and the Codex Alimentarius Commission.
3. The Parties agree to undertake capacity-building cooperation on sanitary and phytosanitary matters. This shall be specific to the needs of each Party and be conducted with a view to assisting each Party to comply with the other Party's legal requirements.
4. The Parties shall establish a timely dialogue on sanitary and phytosanitary matters upon request by either Party.
5. The Parties shall designate contact points for communication on matters relevant to this Article.

ARTICLE 16

Technical barriers to trade

The Parties shall promote the use by Afghanistan of international and European standards as a basis for technical regulations and conformity assessment procedures. They shall cooperate and exchange information on standards, technical regulations and conformity assessment procedures with a view to ensuring that they are prepared, adopted and applied in a transparent and effective manner and do not create unnecessary barriers to their bilateral trade.

ARTICLE 17

Customs

1. The Parties shall strive to strengthen cooperation between customs authorities in order to ensure a transparent trade environment and facilitate trade, enhance supply-chain security, promote consumer safety, stem the flow of goods infringing intellectual property rights and fight smuggling and fraud.
2. To that end, the Parties shall in particular share expertise and examine possibilities to simplify procedures, increase transparency and develop cooperation. They shall also seek convergence of views and joint action in relevant international frameworks.

3. Where appropriate, the Parties shall conclude protocols on customs cooperation and mutual administrative assistance, within the institutional framework laid down in this Agreement, without prejudice to other forms of cooperation.

4. The Parties shall cooperate with a view to modernising Afghanistan's customs administration in accordance with relevant international conventions, in order to improve its organisational efficiency and its institutions' effectiveness in service delivery, while ensuring the transparent management of public resources and accountability. Capacity building shall be an important element in this cooperation.

ARTICLE 18

Investment

1. The Parties shall encourage foreign direct investment through the development of an attractive and stable investment environment. To that end, they may, whenever necessary, initiate a consistent dialogue to enhance understanding and cooperation on investment issues, exploring administrative mechanisms to facilitate investment flows, and promoting stable, transparent and supportive rules for investors.

2. With a view to enhancing foreign direct investment in Afghanistan from the Union, the Parties emphasise the role of private-sector engagement and, in this context, acknowledge the need for public-sector measures and incentives such as access to credit and investment guarantees.

ARTICLE 19

Services

The Parties shall establish a constructive dialogue aimed, in particular, at:

- (a) exchanging information on their respective regulatory environments;
- (b) promoting access to each other's markets;
- (c) promoting access to sources of capital and technology; and
- (d) promoting trade in services between them and in third country markets.

ARTICLE 20

Capital movements

The Parties shall endeavour to facilitate the movement of capital in order to promote the objectives of this Agreement.

ARTICLE 21

Government procurement

The Parties will cooperate with a view to establishing an effective and modern government procurement system in Afghanistan, in accordance with internationally agreed principles on transparency and procurement procedures and on the promotion of fair and optimal value for money in public purchasing.

ARTICLE 22

Transparency

The Parties recognise the importance of transparency and due process in the administration of their trade-related laws and regulations. To that end, they shall apply Article X of the 1994 General Agreement on Tariffs and Trade and Article III of the General Agreement on Trade in Services.

ARTICLE 23

Intellectual property rights

1. The Parties agree to protect and enforce intellectual property rights, including geographical indications, in accordance with the provisions of the international agreements to which they are parties.

2. The Parties shall cooperate on the prevention of any kind of abuse of intellectual property rights, including geographical indications, and on the fight against counterfeiting and piracy. They agree to facilitate this through customs cooperation and other appropriate forms of administrative cooperation, including by establishing and strengthening organisations for the control and protection of such rights and enhancing cooperation on appropriate means to facilitate the protection and registration of each other's geographical indications in their respective territories, taking into account international rules, practices and developments in this area and their respective capacities.

TITLE V

COOPERATION IN MATTERS OF JUSTICE AND HOME AFFAIRS

ARTICLE 24

Rule of law, legal cooperation and policing

1. In their cooperation on matters of justice and home affairs, the Parties shall attach particular importance to the consolidation of the rule of law, the strengthening of institutions at all levels in the areas of law enforcement and administration of justice, including the penitentiary system.

2. In their cooperation, the Parties shall exchange information on legal systems and legislation. They shall pay particular attention to the rights of women and other vulnerable groups, and the protection and implementation of those rights.

3. The Parties agree to cooperate to promote further reforms of the Afghan police force. Afghanistan will take steps to introduce best practices in civilian policing. The Union will continue its support to the development of the justice sector and the Afghan national police, including the financing of the police force in the framework of the Multi-annual Indicative Programme 2014–2020, and in line with OECD Development Assistance Committee (DAC) definitions on eligible activities.

4. The Parties agree to cooperate with a view to modernising Afghanistan’s security sector by:

- (a) strengthening the judiciary and the justice sector, including the penitentiary system, with a particular focus on enhancing the independence of the judiciary;
- (b) enhancing the effectiveness of civilian policing in Afghanistan;
- (c) improving the legal and institutional framework in this field; and
- (d) building capacities for policy design and implementation in Afghanistan’s justice and security sectors.

ARTICLE 25

Cooperation against organised crime and corruption

The Parties agree to cooperate to combat organised, economic and financial crime, and corruption. In particular, cooperation shall be aimed at implementing and promoting relevant international standards and instruments such as the UN Convention against Transnational Organised Crime and its Protocols, and the UN Convention against Corruption. The Parties shall pay particular attention to the links between organised crime and the trafficking of narcotics, precursors, hazardous materials and weapons, human trafficking and migrant smuggling. They shall exchange information on all issues relevant to combating criminal activities.

ARTICLE 26

Combating illicit drugs

1. The Parties shall cooperate to ensure a balanced, comprehensive and integrated approach on drug issues.
2. Drug-related policies and action shall be aimed at reinforcing structures to combat illicit drugs, reduce the supply of, trafficking in, and demand for illicit drugs, and cope with the health and social consequences of drug abuse. The Parties shall cooperate to prevent the illicit manufacture of narcotic drugs and the diversion of chemical precursors.

3. In line with this joint approach, the Parties shall ensure that the fight against illicit drugs is mainstreamed in all relevant areas of cooperation, including law enforcement, the promotion of licit livelihoods, drug demand reduction and risk and harm reduction.

4. The cooperation between the Parties shall comprise technical and administrative assistance to Afghanistan in these areas, including:

- (a) legislative drafting and policy development;
- (b) the establishment of national institutions and information centres;
- (c) support for civil society action on drug issues and efforts to reduce demand for, and harm from, drugs, including drug abuse treatment and rehabilitation;
- (d) the training of personnel;
- (e) drug-related research; and
- (f) the prevention of trafficking and the diversion of drug precursors used for the illicit manufacture of illicit narcotic drugs and psychotropic substances.

The Parties may agree to include other areas.

5. Within the framework of their respective legislation, the Parties shall cooperate to dismantle the transnational criminal networks involved in the production and trafficking of illicit drugs, *inter alia* through the exchange of information and intelligence, training and sharing best practices, including special investigative techniques. A particular effort shall be made to combat the penetration of the licit economy by criminals.

6. Cooperation at regional level to combat drug trafficking should complement this approach, including through diplomatic contacts and in regional fora in which the Parties participate, such as those referred to in Article 48.

7. The Parties shall agree on means of cooperation to attain these objectives. Action shall be based on commonly agreed principles in line with the relevant international conventions, the Political Declaration and the Declaration on the Guiding Principles of Drug Demand Reduction, as adopted by the UN General Assembly's 20th Special Session on the World Drug Problem in June 1998, the Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem, as adopted at the High-Level Segment of the 52nd session of the UN Commission on Narcotic Drugs in March 2009, and the Declaration of the Third Ministerial Conference of the Paris Pact Partners on Combating Illicit Traffic in Opiates Originating in Afghanistan.

ARTICLE 27

Cooperation to combat money laundering and the financing of terrorism

1. The Parties agree to cooperate to prevent the use of their financial systems and designated non-financial businesses and professions for the purposes of laundering the proceeds of criminal activity and financing terrorism.
2. The Parties agree to promote technical and administrative assistance aimed at the development and implementation of regulations and the efficient functioning of mechanisms to combat money laundering and the financing of terrorism. In particular, cooperation shall allow exchanges of relevant information in the framework of their respective laws and the adoption of appropriate and internationally accepted standards to combat money laundering and the financing of terrorism equivalent to those adopted by the Union and the international bodies active in this area, such as the Financial Action Task Force (FATF).

ARTICLE 28

Cooperation on migration

1. The Parties agree to cooperate with the aim of preventing irregular migration flows from their territory to the territory of the other Party.

2. The Parties reaffirm the importance of joint management of migration flows between Afghanistan and the Union and undertake to engage in a comprehensive dialogue and cooperation on migration-related issues, in line with the Union's Global Approach to Migration and Mobility and relevant international conventions. This dialogue and cooperation shall cover issues affecting asylum, relations between migration and development, regular and irregular immigration, return, readmission, visas, border management, document security, and the fight against trafficking in human beings and migrant smuggling.
3. Cooperation in the areas mentioned under this Article may also include capacity-building measures.
4. The Parties agree to conclude, upon request by either Party, an agreement regulating specific obligations for readmission, including provisions regarding nationals of other countries and stateless persons.

ARTICLE 29

Consular protection

Afghanistan agrees that the consular and diplomatic authorities of any represented EU Member State shall provide protection to any national of an EU Member State which does not have a permanent representation in Afghanistan effectively in a position to provide consular protection in a given case, on the same conditions as to nationals of that EU Member State.

ARTICLE 30

Protection of personal data

1. The Parties agree to cooperate to raise the level of protection of personal data to the highest international standards, such as those contained, *inter alia*, in the Guidelines for the Regulation of Computerised Personal Data Files adopted under UN General Assembly Resolution 45/95 of 14 December 1990.
2. Cooperation on the protection of personal data may include, *inter alia*, technical assistance in the form of exchange of information and expertise.

TITLE VI

SECTORAL COOPERATION

ARTICLE 31

Modernisation of public administration

The Parties agree to cooperate with a view to constructing a professional, independent and effective civil service in Afghanistan at national and sub-national levels. Cooperation in this area shall focus on training and capacity building, with a view to:

- (a) improving organisational efficiency;
- (b) increasing institutions' effectiveness in service delivery;
- (c) ensuring transparent management of public resources, and accountability;
- (d) improving the legal and institutional framework; and
- (e) improving policy design and implementation.

ARTICLE 32

Public finance management

Further to Article 31, the Parties shall enhance their cooperation on matters concerning public finance management in Afghanistan. Cooperation shall focus on:

- (a) management of the budget at national and sub-national levels;
- (b) transparent flows of finance between budgetary authorities and between those authorities and beneficiaries and recipients;
- (c) oversight, including by parliament and independent audit bodies; and
- (d) mechanisms to effectively and promptly address any irregularities in the use of public funds.

The Union shall provide support in those domains as appropriate, focusing on capacity development and technical assistance.

ARTICLE 33

Good governance in the field of taxation

With a view to strengthening and developing economic activities while taking into account the need to develop an appropriate regulatory framework, the Parties recognise and undertake to implement the principles of good governance in the field of taxation. They shall strive to cooperate to that effect, in particular in order to facilitate the collection of tax revenues in Afghanistan and to assist Afghanistan to develop measures for the effective implementation of those principles.

ARTICLE 34

Financial services

1. The Parties agree to strengthen cooperation with a view to improving accounting, supervisory and regulatory systems of banking, insurance and other parts of the financial sector.
2. The Parties shall cooperate to develop Afghanistan's legal and regulatory frameworks, infrastructure and human resources, and to introduce corporate governance and international standards on accounting in Afghanistan's capital market.

ARTICLE 35

Statistics

1. The Parties agree to build and further develop statistical capacity by promoting the harmonisation of statistical methodology and using best practices with reference to Union experience, including the collection and dissemination of statistical information. This will enable them to use, on a mutually acceptable basis, statistics on any area covered by this Agreement which lends itself to the collection, processing, analysis and dissemination of statistical data.
2. Cooperation in the field of statistics shall focus on knowledge exchange, fostering good practices and respect for the UN Fundamental Principles of Official Statistics and the European Statistics Code of Practice, with a view to enhancing the quality of statistics.

ARTICLE 36

Disaster risk management

1. The Parties agree to step up their cooperation on disaster risk management. Emphasis shall be placed on preventive action and proactive approaches to deal with hazards and risks and reduce the risk of, and vulnerability to, natural disasters.

2. Cooperation in this area may focus on:

- (a) disaster risk reduction, especially resilience, prevention and mitigation;
- (b) knowledge management, innovation, research and education to build a culture of safety and resilience at all levels;
- (c) disaster risk assessment, monitoring and response; and
- (d) support for the development of risk management capacity.

ARTICLE 37

Natural resources

1. The Parties agree to improve cooperation and capacity building as regards the exploitation, development, processing and marketing of natural resources.

2. This cooperation shall address the sustainable development of natural resources by strengthening the regulatory framework, environmental protection and safety regulations. With a view to fostering greater cooperation and mutual understanding, either Party may request *ad hoc* meetings on matters relating to natural resources.

3. In accordance with the provisions of Title IV, the Parties shall cooperate with a view to creating a transparent environment conducive to foreign direct investment, in particular in the mining sector.
4. Taking into account their respective economic policies and objectives and with a view to fostering trade, the Parties agree to promote cooperation on the removal of barriers to trade in natural resources.
5. Upon request by either Party, any matter concerning trade in natural resources may be raised and addressed in the Joint Committee meetings, as provided for in Article 49.

ARTICLE 38

Education, research, youth and vocational training

1. The Parties agree to promote cooperation on education, research, youth and vocational training. They agree to raise awareness about education opportunities in the Union and Afghanistan.
2. The Parties shall furthermore encourage action to:
 - (a) create links between their respective higher education institutions, specialist agencies and youth organisations;

(b) promote the exchange of information and know-how, and the mobility of students, young people and youth workers, researchers, academics and other experts; and

(c) support capacity building and the development of quality in teaching and learning, taking advantage of other relevant experience that they have acquired in this area.

3. The Parties agree to promote the implementation of programmes for higher education and youth, such as the Union's Erasmus+ programme, and for the mobility and training of researchers, such as the Marie Skłodowska-Curie actions, and to encourage their educational institutions to cooperate in joint programmes with a view to encouraging academic cooperation and mobility and fostering cooperation between youth organisations, including by enhancing the mobility of young people and youth workers in the context of non-formal education and learning.

4. Research cooperation shall be encouraged, including through Horizon 2020 – the Union Framework Programme for Research and Innovation (2014–2020).

ARTICLE 39

Energy

1. The Parties shall endeavour to enhance their cooperation in the energy sector, with a view to improving energy generation, supply and use in Afghanistan, including but not limited to:

(a) the promotion of renewable energy and energy efficiency;

(b) enhanced technology cooperation; and

(c) vocational training.

2. The Parties recognise that a transparent, non-discriminatory, non-distortive rule-based framework is the best way to create an environment conducive to foreign direct investment in the energy sector.

ARTICLE 40

Transport

The Parties agree to cooperate actively in areas of mutual interest concerning all modes of transport, in particular aviation, and intermodal connections, in order, *inter alia*, to:

(a) facilitate the movement of goods and passengers;

(b) ensure safety, security and environmental protection;

(c) train personnel; and

(d) increase investment opportunities, with a view to promoting economic development through improved transport links throughout the region.

ARTICLE 41

Employment and social development

1. In the context of Article 12, the Parties agree to cooperate in the field of employment and social development, including labour market development and youth employment, health and safety in the workplace, gender equality and decent work.
2. The forms of cooperation may include, *inter alia*, specific programmes and projects, as mutually agreed, and dialogue, cooperation and initiatives on topics of common interest at bilateral or multilateral level, such as in the context of the ILO.

ARTICLE 42

Agriculture, rural development, livestock and irrigation

The Parties agree to cooperate with a view to developing Afghanistan's capacities in the fields of agriculture, animal husbandry and rural livelihoods. This cooperation shall include:

- (a) agricultural policy and productivity aimed at ensuring food security;
- (b) in accordance with Title IV, the possibilities for facilitating agri-business and trade in agricultural products, including trade in plants, animals, livestock and their products, with a view to the further development of industries with a primary focus on the rural sector;

- (c) animal and livestock welfare;
- (d) rural development;
- (e) the exchange of experience and cooperation networks between local agents or economic operators in particular areas such as research and technology transfer;
- (f) policy development as regards the health and quality of plants, animals and livestock;
- (g) cooperation proposals and initiatives submitted to international agricultural organisations;
- (h) the development of sustainable and environment-friendly agriculture, including crop production, bio-fuels and the transfer of bio-technology;
- (i) plant variety protection, seed technology and agricultural biotechnology;
- (j) the development of databases and an information network on agriculture and livestock; and
- (k) training on agriculture and in the veterinary sector.

ARTICLE 43

Environment and climate change

1. The Parties shall cooperate with a view to assisting Afghanistan to introduce a high level of environmental protection and promote the conservation and management of natural resources and biological diversity, including forests, in the interest of sustainable development and climate change adaptation and mitigation.
2. The Parties aim to promote the ratification, implementation of, and compliance with, multilateral agreements on the environment and climate change.
3. The Parties aim to reinforce cooperation on climate change adaptation and mitigation, with a particular emphasis on water resources.

ARTICLE 44

Public health

The Parties agree that their cooperation will address health-sector reform and the prevention and control of major diseases, including by promoting the implementation of international health agreements. It shall also include efforts to expand access to basic healthcare in Afghanistan, improve the quality of health services for vulnerable groups, in particular women and children, increase access to clean water and sanitation, and promote hygiene.

ARTICLE 45

Culture

1. The Parties agree to promote cooperation on cultural affairs in order to increase mutual understanding and knowledge of their respective cultures. To that end, they shall support and promote relevant action by civil society. They shall respect cultural diversity.
2. The Parties shall endeavour to take appropriate measures to promote cultural exchanges and carry out joint initiatives in various cultural spheres, including cooperation on heritage conservation.
3. The Parties agree to consult and cooperate in relevant international fora, such as UNESCO, in order to pursue common objectives such as the promotion of cultural diversity and the protection of cultural heritage. With regard to cultural diversity, they also agree to promote the implementation of the 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions.

ARTICLE 46

Information society

Recognising that information and communication technologies (ICT) are key features of modern life and of vital importance to economic and social development, the Parties shall exchange views on their respective policies in this field, aiming to promote economic development, including connectivity for education and research. They shall, as appropriate, consider how best to cooperate in this field, in particular as regards trade in ICT products, regulatory aspects of electronic communications and other information society issues.

ARTICLE 47

Audiovisual and media policy

The Parties will encourage, support and facilitate exchanges, cooperation and dialogue between their relevant institutions and agents in the areas of audiovisual and media policy. They agree to establish a regular dialogue in these areas.

TITLE VII

REGIONAL COOPERATION

ARTICLE 48

Regional cooperation

1. The Parties recognise that regional cooperation initiatives are required to restore Afghanistan's status as a land bridge between Central Asia, South Asia and the Middle East and to stimulate economic growth and political stability in the region. With this in view, they agree to cooperate in promoting regional cooperation through measures that will support the capacity-building efforts of the Afghan Government, particularly the Ministry of Foreign Affairs. Improved capacity will enable the Government to play a greater role in the various regional organisations, processes and fora. This cooperation may include capacity-building and confidence-building measures such as training schemes, workshops and seminars, expert exchanges, studies and other action agreed by the Parties.
2. The Parties commend and reaffirm their support for the Istanbul Process as an important initiative to promote political cooperation between Afghanistan and its neighbours, including through confidence-building measures, as agreed at the Heart of Asia Ministerial Conference in Kabul on 14 June 2012. The Union shall support Afghanistan's efforts to ensure effective implementation of the confidence-building measures and other regional commitments.

3. The Parties further agree to promote regional cooperation through their diplomatic contacts and in regional fora in which they participate.

TITLE VIII

INSTITUTIONAL FRAMEWORK

ARTICLE 49

Joint Committee

1. A Joint Committee is hereby established, composed of representatives from the Parties at the highest possible level, the tasks of which shall be to:

- (a) ensure the proper functioning and implementation of this Agreement;
- (b) set priorities in relation to the aims of this Agreement;
- (c) monitor the development of the comprehensive relationship between the Parties and make recommendations for promoting the objectives of this Agreement;
- (d) request, as appropriate, information from committees or other bodies established under other agreements between the Parties and consider any reports submitted by them;

- (e) exchange opinions and make suggestions on any issue of common interest, including future action and the resources available to carry it out;
- (f) resolve differences arising from the application or interpretation of this Agreement; and
- (g) examine all information presented by either Party as regards the fulfilment of obligations and hold consultations to agree solutions to any differences, in accordance with Article 54.

2. The Joint Committee shall normally meet in Kabul and Brussels alternately, on dates to be fixed by mutual agreement. Extraordinary meetings of the Joint Committee may also be convened by agreement between the Parties. The Joint Committee shall be chaired alternately by each of the Parties. Agendas for its meetings shall be determined by agreement between the Parties.

3. The Joint Committee may decide to set up special committees or working groups to assist it in the performance of its tasks. It shall determine the composition and duties of any such committee or group and how it should function.

4. The Joint Committee shall ensure the proper functioning of any sectoral agreement or protocol that the Parties conclude in the context of this Agreement.

5. The Joint Committee shall adopt its own rules of procedure.

TITLE IX

FINAL PROVISIONS

ARTICLE 50

Resources for cooperation

Insofar as their respective regulations, procedures and resources allow, the Union shall provide Afghanistan with technical and financial assistance to implement the cooperation set out in this Agreement and Afghanistan shall make available the necessary resources, including financial means, to ensure that agreed objectives are met.

ARTICLE 51

Cooperation against fraud

1. The Parties shall implement financial assistance in accordance with the principles of sound financial management and cooperate in the protection of their financial interests. They shall take effective measures to prevent and fight fraud, corruption and any other illegal activities to the detriment of their financial interests.

2. Any further agreement or financing instrument to be concluded between the Parties during the implementation of this Agreement shall include specific financial cooperation clauses covering on-the-spot checks, inspections, controls and anti-fraud measures, including, *inter alia*, those conducted by the European Court of Auditors and the European Anti-Fraud Office.

3. For the purpose of the proper implementation of this Article, the Parties' competent authorities shall exchange information and, at the request of either Party, conduct consultations in accordance with the relevant legislation applicable to them.

4. The Afghan authorities shall check regularly that operations financed with Union funds have been properly implemented. They shall take appropriate measures to prevent fraud, corruption and any other illegal activities affecting such funds. They shall inform the European Commission of any such measure.

5. The Afghan authorities shall transmit to the European Commission without delay any information that comes to their notice as to suspected or actual cases of fraud, corruption or any other illegal activities in connection with the implementation of Union funds. In case of suspicion of fraud or corruption, the European Anti-Fraud Office shall also be informed. The Afghan authorities shall also inform the European Commission of any measures taken in connection with facts communicated under this Article.

6. The Afghan authorities shall ensure investigation and prosecution of suspected and actual cases of fraud, corruption and any other illegal activities to the detriment of Union funds. Where appropriate, the European Anti-Fraud Office may assist the competent Afghan authorities in this task.

7. In accordance with Union legislation, and exclusively in order to protect the Union's financial interests, the European Anti-Fraud Office shall be authorised, on request, to carry out on-the-spot checks and inspections in Afghanistan. These shall be prepared and conducted in close cooperation with the competent Afghan authorities. The Afghan authorities shall provide the European Anti-Fraud Office with any assistance it needs to allow it to discharge its duties.

8. The European Anti-Fraud Office may agree with the competent Afghan authorities on further cooperation in the anti-fraud field, including the conclusion of operational arrangements.

ARTICLE 52

Future development of the Agreement

Either Party may put forward suggestions for widening the scope of cooperation under this Agreement, taking into account experience gained in its implementation.

ARTICLE 53

Other agreements

1. Without prejudice to the relevant provisions of the Treaty on European Union and the Treaty on the Functioning of the European Union, neither this Agreement nor action taken under it shall affect the power of the Union's Member States to engage in bilateral cooperation or to conclude, where appropriate, bilateral and cooperation agreements with Afghanistan. This Agreement shall not affect the application or implementation of the commitments undertaken by either Party in the context of its relations with third parties.
2. The Parties may complement this Agreement by concluding specific agreements in any area of cooperation falling within its scope. Such specific agreements shall be an integral part of the overall bilateral relations as governed by this Agreement and shall form part of a common institutional framework.

ARTICLE 54

Fulfilment of obligations

1. Either Party may refer to the Joint Committee any divergence in the application or interpretation of this Agreement.

2. If either Party considers that the other has failed to fulfil any of its obligations under this Agreement, it may take appropriate measures with regard to this Agreement or any specific agreement referred to in Article 53(2).
3. Before doing so, except in cases of special urgency, it shall present to the Joint Committee all the relevant information required for a thorough examination of the situation, with a view to seeking a solution acceptable to the Parties.
4. In the selection of appropriate measures, priority must be given to those which least disturb the functioning of this Agreement or any specific agreement referred to in Article 53(2). Those measures shall be notified immediately to the other Party and shall be the subject of consultations within the Joint Committee if the other Party so requests.
5. The Parties agree, for the purposes of the correct interpretation and practical application of this Agreement, that the term “cases of special urgency” in paragraph 3 means a case of material breach of this Agreement by one of the Parties. Material breach of this Agreement consists in:
 - (a) repudiation of this Agreement not sanctioned by the general rules of international law; or
 - (b) violation of any of the essential elements of this Agreement, as referred to in Articles 2(3) and 9(2).

ARTICLE 55

Facilities

To facilitate cooperation in the framework of this Agreement, the Parties agree to provide officials and experts involved in implementing cooperation with the facilities they need to perform their functions, in accordance with the Parties' respective internal rules and regulations.

ARTICLE 56

Security interests and disclosure of information

1. The provisions of this Agreement shall be without prejudice to the Parties' respective laws and regulations on public access to official documents.
2. None of the provisions of this Agreement shall be construed as requiring a Party to provide information, the disclosure of which it considers contrary to its essential security interests.
3. The Parties reaffirm their commitment to protecting any classified information received in the course of their cooperation.

ARTICLE 57

Definition of the Parties

For the purposes of this Agreement, the term 'the Parties' shall mean the Union or its Member States, or the Union and its Member States, in accordance with their respective competences, on the one hand, and Afghanistan, on the other.

ARTICLE 58

Territorial application

This Agreement shall apply to the territory in which the Treaty on European Union and the Treaty on the Functioning of the European Union are applied, under the conditions laid down in those Treaties, and to the territory of Afghanistan.

ARTICLE 59

Entry into force, duration and denunciation

1. This Agreement shall enter into force on the first day of the second month following the date on which the Parties notify each other of the completion of the legal procedures necessary for this purpose.
2. Notwithstanding paragraph 1, the Union and Afghanistan agree to provisionally apply this Agreement in part, as specified by the Union, as set out in paragraph 3 of this Article, and in accordance with their respective internal procedures and legislation as applicable.
3. The provisional application shall be effective from the first day of the second month following the date of receipt of the following:
 - the Union's notification on the completion of the procedures necessary for this purpose, indicating the parts of the Agreement that shall be provisionally applied; and
 - Afghanistan's deposit of the instrument of ratification in accordance with its procedures and applicable legislation.
4. This Agreement is valid for an initial period of ten years. It shall be automatically extended for further consecutive periods of five years unless, six months prior to the expiry of its validity, a Party notifies in writing its intention not to extend it.
5. Any amendments to this Agreement shall be made by agreement between the Parties and become effective only after they have notified each other of the completion of the legal procedures

necessary for this purpose.

6. Either Party may terminate this Agreement by giving the other Party written notice of denunciation. Termination shall take effect six months after receipt of such notification by the other Party.

7. Notifications in accordance with this Article shall be made to the Secretary-General of the Council of the European Union or the Ministry of Foreign Affairs of Afghanistan, as the case may be.

ARTICLE 60

Authentic texts

This Agreement shall be drawn up in duplicate in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish, Pashto and Dari languages, each of these texts being equally authentic.

Done at ..., this ... day of

For the European Union
and its Member States

For the Islamic Republic of Afghanistan