

**PARTNERSHIP
BETWEEN
THE EUROPEAN UNION
AND LATIN AMERICA
AND THE CARIBBEAN**

**Brussels, 12 October 2016
(OR. en)**

UE-AMLACAR 1158/16

NOTE

From: General Secretariat of the Council
On: 12 October 2016
To: Delegations

Subject: EU-LAC Foundation Agreement
- Full Powers

Delegations receive herewith documents referring to Full Powers for signing the Agreement on the EU-LAC Foundation.

Please note that the explanations given are addressed both to Member States of the Community of Latin American and Caribbean States and to Member States of the European Union.



Council of the European Union
General Secretariat

Brussels, 10 October 2016

CM 4306/16

COLAC
CFSP/PESC
SIGNATURE

COMMUNICATION

INFORMATION

Contact: Ida JACOBSEN - e-mail: coordination.accords@consilium.europa.eu

Tel.: +32.2-281.7350

Subject: **EARLY WARNING**

Full Powers for the signing ceremony of the Agreement establishing the EU-LAC International Foundation

(doc. 11356/16)

With reference to communication CM 3531/16 of 12 July 2016, Member States are informed that the abovementioned Agreement has been adopted by the Council today, on 10 October 2016. The signature of the above-mentioned Agreement is envisaged to take place in Santo Domingo on 25-26 October 2016, in the margins of the Meeting of EU-CELAC Ministers of Foreign Affairs

Member States are requested, if required*, to ensure that an instrument of Full Powers, or at least a copy thereof, authorising their plenipotentiary to sign this Agreement, is duly issued and deposited with the Council's Treaties & Agreements Office¹ at any time prior to the signing ceremony.

¹ Council of the European Union, Treaties & Agreements Office, 175 rue de la Loi, 10 LM 43, 1048 Brussels
Tel. + 32 2 281 7350 Fax. + 32 2 281 8403 Email: coordination.accords@consilium.europa.eu

* Full Powers are required to be issued to any plenipotentiary who is not a Head of State, Head of Government or a Minister for Foreign Affairs (see Article 7 of the Vienna Convention on the Law of Treaties). However, those Member States' Permanent Representatives who have communicated to the General Secretariat of the Council a general authorisation from their authorities to sign EU Agreements on behalf of their country are exempt from this requirement.

Preparation for the signing of the Agreement establishing the EU-LAC International Foundation, scheduled to take place at Punta Cana on 25-26 October 2016, in the margins of the Meeting of EU-CELAC Ministers of Foreign Affairs.

The Agreement will be opened for signature in Punta Cana on 25-26 October 2016 and thereafter in Brussels, at the General Secretariat of the Council of the European Union.

Signatories will be:

the authorised plenipotentiary of each of the 28 Member States

the High Representative of the Union for Foreign Affairs and Security Policy on behalf of the European Union

the authorised plenipotentiary of each of the 33 CELAC States

Full Powers

Before the signature takes place, Member States/CELAC States should prepare the instrument of Full Powers for their respective plenipotentiary (a Communication to Member States will be sent shortly to this effect).

The form in which this instrument is drawn up and the decision as to which authority should delegate these Powers, i.e. Head of State, Head of Government or Foreign Minister, is entirely a matter for each individual Member State/CELAC State based upon its constitutional practice. Heads of State, Heads of Government or Foreign Ministers do not need to produce Full Powers.

The instruments of Full Powers can be deposited with the Council's Agreements Office at any time prior to the signing ceremony.

If, for any reason, a Member State/CELAC State has a problem in producing the original of their Full Powers before 25-26 October 2016, a copy should be forwarded before that date by Email : coordination.accords@consilium.europa.eu, and the original sent as soon as possible thereafter, or alternatively delivered to Thuc-Diem LETAT in Punta Cana on the day of the ceremony.

Article 8 of the Vienna Convention on the Law of Treaties allows for subsequent confirmation of an Act, such as the signing of an Agreement, done without authorisation. Although it is preferable not to have to apply this Article, it does, however, allow for some margin of flexibility in this area. In the event that a Member State/CELAC State does apply this Article, the name and title of the person signing for that Member State/CELAC State must be communicated, in writing, before 25-26 October 2016 to the Council's Agreements Office.

If you have any further questions on this matter, please do not hesitate to contact the Council's Agreements Office (Thuc-Diem LETAT and Ida JACOBSEN, tel. 02 281.7491 or 02 281 9380) or by Email: thuc-diem.letat@consilium.europa.eu or ida.jacobsen@consilium.europa.eu).

The Secretary-General of the Council of the European Union is the depositary of the Agreement, and the Council's Agreements Office will therefore prepare and print the copy of the book for signature in all languages, with multilingual cover pages, date page and signature pages, on red boarder paper bound in a blue leather cover.

Thuc-Diem LETAT will bring this book to Punta Cana where she will prepare the signature ceremony in cooperation with the EU-Delegation and the Protocol Service of the Dominican Republic.
