



Council of the  
European Union

Brussels, 11 July 2017  
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**Interinstitutional File:**  
**2017/0155 (NLE)**

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## PROPOSAL

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

date of receipt: 10 July 2017

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

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No. Cion doc.: JOIN(2017) 23 final

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Subject: Joint Proposal for a COUNCIL DECISION on the position to be adopted,  
on behalf of the European Union, within the Joint Committee established  
by 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, as regards the adoption  
of the Joint Committee's rules of procedure and the setting-up of two  
special working groups

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Delegations will find attached document JOIN(2017) 23 final.

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Encl.: JOIN(2017) 23 final



HIGH REPRESENTATIVE  
OF THE UNION FOR  
FOREIGN AFFAIRS AND  
SECURITY POLICY

Brussels, 10.7.2017  
JOIN(2017) 23 final

2017/0155 (NLE)

Joint Proposal for a

## **COUNCIL DECISION**

**on the position to be adopted, on behalf of the European Union, within the Joint Committee established by 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, as regards the adoption of the Joint Committee's rules of procedure and the setting-up of two special working groups**

## EXPLANATORY MEMORANDUM

### 1. CONTEXT OF THE PROPOSAL

The EU-Afghanistan Cooperation Agreement on Partnership and Development ('the Agreement') was signed on 18 February 2017.<sup>1</sup>

The Agreement represents the first contractual relationship between the Union and Afghanistan and establishes a legal framework for their cooperation.

The Agreement reflects the principles and conditions on which the future EU - Afghanistan partnership will be based (Title I and II). It includes the essential elements clauses on human rights and non-proliferation. It also allows for cooperation in a broad range of areas, including development (Title III), trade and investment (Title IV) and justice and the rule of law (Title V, which contains extensive clauses on the fight against organized crime, money laundering and counter-narcotics and also covers cooperation on migration). Title VI includes chapters on a number of specific areas for sectoral cooperation

The Agreement is due to enter into force on the first day of the second month following the date on which the Parties have notified each other of the completion of their legal procedure necessary for that purpose. However, pursuant to its Article 59(2) and (3) and Article 3 of Council Decision (EU) 2017/434, the Agreement will apply provisionally in several areas such as human rights, political dialogue, development cooperation etc.

Under Article 49 of the Agreement, a Joint Committee is established, composed of representatives of the parties at the highest possible level, to ensure, *inter alia*, the proper functioning and implementation of the Agreement.

To assist the Joint Committee and facilitate expert-level discussions on key areas falling within the scope of the Agreement it is suggested that special working groups are created on:

- Good governance, human rights and migration; and
- Economic and social development.

The aim of this proposal is to establish the EU's position in the Joint Committee on:

- adopting the Joint Committee's rules of procedure; and
- setting up the special working groups.

The EU position will be based on the attached draft Joint Committee's decisions.

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<sup>1</sup> Council Decision (EU) 2017/434 of 13 February 2017 on the signing, on behalf of the 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 (OJ L 67, 14.3.2017, p. 1).

Joint Proposal for a

## COUNCIL DECISION

**on the position to be adopted, on behalf of the European Union, within the Joint Committee established by 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, as regards the adoption of the Joint Committee's rules of procedure and the setting-up of two special working groups**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 207 and 209, in conjunction with Article 218(9) thereof,

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

Whereas:

- (1) 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 Agreement') was signed on 18 February 2017 and is subject to provisional application, pursuant to its Article 59(2) and (3) and Article 3 of Council Decision (EU) [2017/434](#)<sup>2</sup>;
- (2) Pursuant to Article 49 of the Agreement, a Joint Committee has been established to ensure, *inter alia*, its proper functioning and implementation. In order to contribute to the effective implementation of the Agreement, the Joint Committee should adopt its rules of procedure.

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<sup>2</sup> Council Decision (EU) [2017/434](#) of 13 February 2017 on the signing, on behalf of the 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 (OJ L 67, 14.3.2017, p. 1).

- (3) Pursuant to Article 49 of the Agreement, the Joint Committee may decide to set up special committees or working groups to assist it in the performance of its tasks.
- (4) The Union's position within the Joint Committee as regards the adoption of the Joint Committee's rules of procedure and the setting up of special working groups should be based on the attached draft Joint Committee's Decisions.

HAS ADOPTED THIS DECISION:

*Article 1*

The position to be taken by the European Union in the Joint Committee established by Article 49 of the Agreement in relation to:

- a) the adoption of the Joint Committee's rules of procedure; and
- b) the setting- up of two special working groups,

shall be based on the draft Joint Committee' Decisions, attached to this Decision.

The Union's representatives in the Joint Committee may agree to minor changes to the draft Decisions without requiring a further decision from the Council.

*Article 2*

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

Done at Brussels,

*For the Council  
The President*