



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 4 April 2014
(OR. en)**

**Interinstitutional File:
2013/0120 (NLE)**

**7311/2/14
REV 2**

**COASI 40
ASIE 18
PESC 233
COHOM 39
CONOP 22
COTER 14
JAI 138
WTO 94
AGRI 180
ENER 104
TRANS 117
TELECOM 69
ENV 232
EDUC 85**

"I/A" ITEM NOTE

From: Asia Oceania Working Party
To: Permanent Representatives Committee (Part 2)/Council

No. prev. doc.: 12009/1/13 REV 1 + COR 1
No. Cion doc.: 8949/13 - COM(2013) 230 final

Subject: Council Decision on the conclusion of the Framework Agreement on Comprehensive Partnership and Cooperation between the European Community and its Member States, of the one part, and the Republic of Indonesia, of the other part, with the exception of matters related to readmission

Council Decision on the conclusion of the Framework Agreement on Comprehensive Partnership and Cooperation between the European Community and its Member States, of the one part, and the Republic of Indonesia, of the other part, as regards matters related to readmission

- Adoption

1. On 10 October 2013, the Council confirmed its agreement in principle on the text of the draft Council Decisions mentioned above and decided to forward them together with the Framework Agreement on Comprehensive Partnership and Cooperation between the European Community and its Member States, of the one part, and the Republic of Indonesia, of the other part, to the European Parliament with a view to obtaining its consent pursuant to Article 218(6)(a)(v) TFEU.
2. On 14 October 2013, the text of both draft Decisions as set out following finalisation by the Legal/Linguistic experts in documents 11250/13 + REV 1 (fr) + COR 2 and 11313/13 + REV 1 (fr) + COR2, as well as the Framework Agreement contained in document 14032/09 + COR 1 (en) + COR 2 (fr) + COR 3 (hu) were forwarded to the European Parliament.
3. On 26 February 2014, the European Parliament gave its consent¹ to the conclusion by the Council of the Framework Agreement on Comprehensive Partnership and Cooperation between the European Community and its Member States, of the one part, and the Republic of Indonesia, of the other part.
4. At its meeting on 27 March 2014, the Asia Oceania Working Party took note of the European Parliament's consent and agreed to submit the file to the Permanent Representatives Committee and the Council.

¹ doc. 6935/14 (P7_TA-PROV(2014)0142; P7_TA-PROV(2014)0143).

5. Therefore, the Permanent Representatives Committee is invited to recommend that the Council decide as an "A" item on the agenda of one of its forthcoming meetings:
- to adopt Council Decision on the conclusion of the Framework Agreement on Comprehensive Partnership and Cooperation between the European Community and its Member States, of the one part, and the Republic of Indonesia, of the other part, with the exception of matters related to readmission, as set out following finalisation by the Legal/Linguistic experts in document 11250/2/13 REV 2;
 - to adopt Council Decision on the conclusion of the Framework Agreement on Comprehensive Partnership and Cooperation between the European Community and its Member States, of the one part, and the Republic of Indonesia, of the other part, as regards matters related to readmission as set out following finalisation by the Legal/Linguistic experts in document 11313/2/13 REV 2.
 - to enter into its minutes the declarations set out at annex.
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Declaration by the Commission to be entered into the minutes of the Council

The Commission disagrees with the addition of Articles 79(3), 91, 100 and 191(4) TFEU as legal bases for the conclusion of the PCA with Indonesia. A similar issue is already pending before the Court of Justice in relation to the PCA with the Philippines.

Declaration to be entered into the minutes of the Council

Statement by Austria and Romania

on the Council Decision(s) on the conclusion of the Framework Agreement on Comprehensive Partnership and cooperation between the European Community and its Member States, of the one part, and the Republic of Indonesia, of the other part

Austria and Romania hold the view that Council decisions in accordance with Article 218 TFEU always concern an agreement in its entirety. A splitting into several decisions which refer to individual articles of an agreement is legally not viable.

Declaration to be entered into the minutes of the Council

Statement by the Czech Republic

on the Council Decision(s) on the conclusion of the Framework Agreement on Comprehensive Partnership and cooperation between the European Community and its Member States, of the one part, and the Republic of Indonesia, of the other part

The Czech Republic holds the view that Council decisions adopted in accordance with Article 218 TFEU throughout the process of concluding the so-called mixed agreements should relate to individual agreements in their entirety. A splitting into two decisions, each of them referring to different articles of an agreement, does not seem to be necessary and could lead to cumbersome procedures.

The Czech Republic notes that the established practice is to conclude only one Council decision relating to an agreement as a whole. With respect to the *Case C-377/12 European Commission against Council of the European Union*, pending before the Court of Justice of the European Union, we consider the modification of this practice as premature.
