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PROPOSAL

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	13 April 2015
To:	Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union
No. Cion doc.:	JOIN(2015) 10 final
Subject:	Joint Proposal for a COUNCIL DECISION on the signing, on behalf of the European Union, and provisional application of the Strategic Partnership Agreement between the European Union and its Member States, of the one part, and Canada, of the other part

Delegations will find attached document JOIN(2015) 10 final.

Encl.: JOIN(2015) 10 final



HIGH REPRESENTATIVE OF THE
EUROPEAN UNION FOR
FOREIGN AFFAIRS AND
SECURITY POLICY

Brussels, 13.4.2015
JOIN(2015) 10 final

2015/0073 (NLE)

Joint Proposal for a

COUNCIL DECISION

**on the signing, on behalf of the European Union, and provisional application of the
Strategic Partnership Agreement between the European Union and its Member States,
of the one part, and Canada, of the other part**

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

The present proposal concerns the signature and provisional application of the Strategic Partnership Agreement (SPA) between the European Union and its Member States, of the one part and Canada, of the other part (hereafter 'the Agreement').

On 8 December 2010, the Council adopted a Decision authorising the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy to negotiate a Framework Agreement between the European Union and its Member States, of the one part, and Canada, of the other part. The negotiations of the Agreement commenced in September 2011.

The EU and Canada have a history of extensive political and economic cooperation, formally dating back to 1976 when the EU signed a Framework Agreement with Canada, the first EU agreement with an OECD country. This Agreement has for a long time constituted the appropriate framework to deepen relations, enhance political association and cooperation between the Parties.

The 1990 Declaration on Transatlantic Relations concluded, of the one side by the European Community and its Member States and Canada, of the other side, further strengthened the partnership in a range of areas such as economic, scientific and cultural cooperation both on the bilateral and multilateral level.

Further, the 1996 Canada-EU Joint Political Declaration and Action Plan were adopted in order to enhance the cooperation in pursuit of common objectives and on the basis of deeply-held, shared, principles.

In 2004 the Parties concluded a Partnership Agenda with the objective of advancing international security, global economic prosperity, cooperation on issues of Justice and Home Affairs, addressing global and regional challenges and fostering closer links between the citizens of the EU and Canada. The Partnership Agenda established an intensified dialogue which allowed a more strategic, sustained and coherent approach to issues affecting Canada and the EU involving an increasingly wide range of sectors.

The cooperation between the EU and Canada has evolved with time and now covers broad range of sectors including environment, justice and security, migration and integration, fisheries, education, culture, human rights, northern development and indigenous issues, youth exchanges and transport security.

The aim of the Agreement is twofold: (i) to enhance the EU - Canada political ties and cooperation on foreign policy and security issues by taking their relationship at a strategic partnership level and (ii) to upgrade their cooperation in a large number of policy areas going beyond trade and economics.

The Agreement considerably contributes to the improvement of the partnership which is based on the EU and Canada's joint values such as respect for democratic principles and human rights and fundamental freedoms, rule of law, international peace and security.

Following the Common approach on the use of political clauses, in certain very specific cases of violation of the essential elements of the SPA, the SPA could be suspended or other appropriate measures affecting our bilateral relationship could be taken. The SPA also recognises that in such extreme situations, one party could also initiate the procedure to terminate the EU- Canada Comprehensive and Economic Trade Agreement (CETA).

The SPA, in combination with the CETA, is expected to provide tangible benefits and opportunities to the citizens of the Union and Canada.

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

The EEAS and the Commission's services have been involved and consulted in the negotiating process.

Member States have equally been consulted throughout the negotiating process in the relevant Council Working Parties meetings. On 18 June 2014 COREPER also endorsed the SPA text, which opened the way towards initialling by Chief Negotiators on 8 September 2014.

The European Parliament has been kept regularly and promptly informed throughout the negotiations.

The EEAS and the Commission consider that the objectives set by the Council in its negotiating directives were attained and that the draft Agreement can be submitted for signature.

3. LEGAL ELEMENTS OF THE PROPOSAL

On the part of the Union, the legal basis for this Agreement is Article 37 TEU and Article 212 TFEU. The attached joint proposal constitutes the legal instrument for the signature and provisional application of the agreement.

The Agreement builds on a two-pillar structure: political cooperation on foreign policy and security issues of common interest (WMD, SALW, counter-terrorism, promoting international peace and security, cooperation in multilateral fora) and broad sectoral cooperation (economic and sustainable development, promoting free trade and enhancing investment, judicial cooperation, taxation etc). As such, the Agreement is composed of provisions on the basis for cooperation (Title I), human rights, fundamental freedoms, democracy and rule of law (Title II), international peace and security and effective multilateralism (Title III), economic and sustainable development (Title IV), justice, freedom and security (Title V), political dialogue and consultation mechanism (Title VI), as well as final provisions (Title VII).

The Agreement will enhance EU - Canada cooperation on a range of bilateral, regional and multilateral issues. It will enable the Parties to act together to project their shared values to third countries on key issues such as international peace and security, democracy and the rule of law, justice, freedom and security.

The Agreement provides the basis of the cooperation which includes the principles set out in the Charter of the United Nations and respect for international law. It further enforces the Parties engagement in upholding and advancing democracy, human rights and fundamental freedoms.

The Agreement strengthens political, economic and sectoral cooperation across a wide range of policy fields such as sustainable development, research and innovation, education and culture, migration, counter terrorism and the fight against organised crime and cybercrime. It restates the Parties commitment to safeguard international peace and security by preventing the proliferation of weapons of mass destruction and taking measures to deal with illicit trade in Small Arms and Light Weapons.

It provides the mechanism for conducting political dialogue by organising annual Summits at Leaders level and consultations at ministerial level. It also establishes a Joint Ministerial Committee, which replaces the previous Transatlantic Dialogue, and a Joint Cooperation Committee with the objective of monitoring the development of the strategic relationship between the Parties.

The Agreement provides for the possibility of suspending its application in case of a violation of essential elements. In addition, the Parties recognize that such cases could also serve as grounds for the termination of the CETA.

The final provisions set out conditions for provisional application of certain parts of the agreement prior to its entry into force.

Joint Proposal for a

COUNCIL DECISION

on the signing, on behalf of the European Union, and provisional application of the Strategic Partnership Agreement between the European Union and its Member States, of the one part, and Canada, of the other part

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 Article 212 (1), in conjunction with Article 218(5) and second paragraph of Article 218 (8) thereof,¹

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) On 8 December 2010 the Council authorised the Commission and the High Representative to open negotiations with Canada for a Framework Agreement to replace the Joint Political Declaration on EU - Canada relations of 1996.
- (2) Taking account of the close historical relationship and progressively closer links between the Parties as well as their desire to strengthen and widen relations in an ambitious and innovative way, the negotiations on the Strategic Partnership Agreement ("the Agreement") were successfully concluded by the initialling of the Agreement in Ottawa on 8 September 2014.
- (3) Article 30 of the Agreement provides for the provisional application of the Agreement before its entry into force.
- (4) Therefore, the Agreement should be signed on behalf of the European Union and applied on a provisional basis in accordance with its Article 30, pending its conclusion at a later date.

¹ OJ L[...], [...], p. [...]

HAS ADOPTED THIS DECISION:

Article 1

1. The signing of the Strategic Partnership Agreement between the European Union and its Member States, of the one part, and Canada, of the other part is hereby authorised on behalf of the Union, subject to the conclusion of the said Agreement.
2. The text of the Agreement is attached to this Decision.

Article 2

The Secretariat General of the Council 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 3

1. Pending its entry into force, in accordance with Article 30 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 Canada:
 - Title I,
 - Title II;
 - Title III;
 - Title IV;
 - Title V, with the exception of Article 24;
 - Title VI and Title VII, to the extent necessary for the purpose of ensuring the provisional application of the Agreement;
2. The date from which the Agreement will be provisionally applied will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

Article 4

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

Done at Brussels,

*For the Council
The President*