



Council of the
European Union

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COASI 194
ASIE 62
RELEX 1066
CFSP/PESC 877
COHOM 125
CONOP 157
COTER 167
COARM 268
DEVGEN 274
WTO 294
COMER 164

JAI 1023
CODRO 8
COCON 23
ECOFIN 995
PROCIV 87
ENV 807
EDUC 325
TRANS 417
ENER 437
AGRI 690

PROPOSAL

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

date of receipt: 17 December 2015

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

No. Cion doc.: JOIN(2015) 36 final

Subject: Joint Proposal for a COUNCIL DECISION on the conclusion, on behalf of
the European Union, of the Cooperation Agreement on Partnership and
Development between the European Union and the Islamic Republic of
Afghanistan

Delegations will find attached document JOIN(2015) 36 final.

Encl.: JOIN(2015) 36 final



HIGH REPRESENTATIVE
OF THE UNION FOR
FOREIGN AFFAIRS AND
SECURITY POLICY

Brussels, 17.12.2015
JOIN(2015) 36 final

2015/0302 (NLE)

Joint Proposal for a

COUNCIL DECISION

on the conclusion, on behalf of the European Union, of the Cooperation Agreement on Partnership and Development between the European Union and the Islamic Republic of Afghanistan

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

In July 2011, the Foreign Affairs Council¹ expressed its willingness to negotiate an agreement with Afghanistan that would reflect its long-term commitment to the country's development. In November 2011, the Council adopted a Decision authorising the Commission and the High Representative to negotiate a Cooperation Agreement on Partnership and Development (CAPD) with Afghanistan². Three rounds of negotiations were held over the year that followed (the last ending in November 2012). After a break of over two years, talks were resumed in 2015, with the new Afghan Government. The fourth and final round of negotiations took place in Brussels on 29 April 2015 and was concluded successfully. The two sides initialled the Agreement in Kabul on 2 July 2015 in the presence of President Ghani.

The Agreement is the first contractual relationship between the European Union and Afghanistan and underpins the EU's commitment to supporting Afghanistan's future development during its '*decade of transformation*' agreed at the Bonn conference in 2011. By strengthening political dialogue and improving cooperation in a broad range of areas, the Agreement consolidates the European Union's engagement with Afghanistan. It acknowledges the results of the international conferences on Afghanistan held in Bonn, Chicago, Kabul, Tokyo and London.

The Agreement includes provisions on political dialogue and on cooperation in a broad range of areas. It draws on the EU's standard political clauses on human rights and the International Criminal Court, and includes commitments related to the rights of women and children. The Agreement builds on the principles of mutual accountability and reiterates the willingness of the parties to address shared concerns, including: 1) the fight against terrorism, international crime and illegal trafficking; 2) non-proliferation of nuclear weapons, disarmament and nuclear security; 3) Weapons of Mass Destructions (WMD); 4) Small Arms and Light Weapons (SALW) and 5) counter-narcotics. The provisions on cooperation cover the following sectors: infrastructure development, energy, transport, health, natural resources, tax, education and culture, employment and social affairs, science and technology, and environment and climate change. The Agreement also emphasises the importance of legal cooperation and affirms the parties' commitment to fighting organised crime, money laundering and corruption.

2. LEGAL ELEMENTS OF THE PROPOSAL

The legal base for the conclusion of this Agreement are Article 37 of the Treaty on European Union and Articles 207 and 209, in conjunction with Article 218(6)(a) and the second paragraph of Article 218(8), of the Treaty on the Functioning of the European Union.

¹ Foreign Affairs Council Conclusions of 18 July 2011 (doc. 12865/11)

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

Joint Proposal for a

COUNCIL DECISION

on the conclusion, on behalf of the European Union, of the Cooperation Agreement on Partnership and Development between the European Union and the Islamic Republic of Afghanistan

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, and in particular Articles 207 and 209, in conjunction with Article 218(6)(a) and the second paragraph of Article 218(8) thereof,

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

Having regard to the consent of the European Parliament,

Whereas:

- (1) Pursuant to Council Decision [XXX] of [...] ³, the Cooperation Agreement on Partnership and Development between the European Union and the Islamic Republic of Afghanistan was signed on behalf of the European Union on [...], subject to its conclusion at a later date.
- (2) The European Union and the Islamic Republic of Afghanistan are committed to pursuing and extending their cooperation, to strengthening existing links and to establishing a close and lasting relationship based on reciprocity and mutual interests.
- (3) The Agreement should be approved on behalf of the European Union,

HAS ADOPTED THIS DECISION:

Article 1

The Cooperation Agreement on Partnership and Development between the European Union and the Islamic Republic of Afghanistan is hereby approved on behalf of the European Union.

The text of the Agreement is attached to this Decision.

³ OJ L [...], [...], p.[...].

Article 2

The High Representative of the Union for Foreign Affairs and Security Policy shall chair the Joint Committee established under Article 49 of the Agreement.

Article 3

The President of the Council shall designate the person empowered to proceed, on behalf of the European Union, to the notification provided for in Article 58 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*