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European Union

Brussels, 18 March 2016
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Subject: Recommendation from the Commission to the Council to authorise the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy to open negotiations and negotiate, on behalf of the European Union, the provisions of a Political Dialogue and Cooperation Agreement between the European Union, of the one part, and the Republic of Cuba, of the other part

Delegations will find attached the partially declassified version of the above-mentioned document.

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Brussels, 18.4.2013
COM(2013) 221 final

RECOMMENDATION FROM THE COMMISSION TO THE COUNCIL

to authorise the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy to open negotiations and negotiate, on behalf of the European Union, the provisions of a Political Dialogue and Cooperation Agreement between the European Union, of the one part, and the Republic of Cuba, of the other part

DECLASSIFIED PART

on 22 JAN 2016

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RECOMMENDATION FROM THE COMMISSION TO THE COUNCIL

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A. EXPLANATORY MEMORANDUM

1. Current Framework for relations with Cuba

The 1996 Common Position is the basis of the EU policy towards Cuba.

The Foreign Affairs Council of 25 October 2010 asked the High Representative "within the framework of the EU's 1996 Common Position on Cuba, to explore the possibilities on the way forward for relations with Cuba and report as soon as possible". At the FAC of 19 November 2012, following soundings with the Cuban authorities and with Member States, the HR/VP concluded that she would instruct the services to start drafting negotiating directives for a future EU-Cuba bilateral agreement.

Human rights and fundamental freedoms are at the heart of relations between the EU and Cuba. These issues are addressed through the EU-Cuba political dialogue, relaunched in October 2008, following the lifting of EU diplomatic measures adopted in 2003. HR/VP Ashton held her first political dialogue with Cuban Foreign Minister Rodriguez Parrilla on 23 February 2011.

Since 2011, the Cuban authorities have launched a reform process including measures such as the legalisation of private property transactions, the introduction of new categories for self-employment and the reintroduction of private sector employment (beyond joint ventures where it already existed) and increased lending to small businesses. A new migration law entered into force in mid-January 2013 which, *inter alia*, removes (with a number of exceptions) the formerly obligatory exit permit for Cuban citizens to leave the country.

EU-Cuba cooperation was resumed in October 2008, following a period of suspension by Cuba between 2003 and 2008. Since then, the Commission has committed around € 60 million for cooperation on post-hurricane reconstruction and rehabilitation, food security, climate change and renewable energy, culture, and education. Cuba also takes part in several EU-funded regional programmes. The first Country Strategy Paper/National Indicative Programme for Cuba was adopted on 12 May 2010 making available € 20 million between 2011 and 2013 for food security, climate change adaptation, and expertise exchanges. The EU has recently adopted decisions allocating € 4 million to support the population affected by Hurricane Sandy in November 2012.

The EU is Cuba's second most important trading partner (accounting for 20% of total Cuban trade), after Venezuela (31%). The EU is the second biggest source of Cuban imports (20%) after Venezuela (36%) and was the third most important destination for Cuban exports (21%) after China (25%) and Canada (21%). The EU is Cuba's biggest external investor. Approximately one third of all tourists visiting the island every year come from the EU.

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Cuba currently benefits from the generalised system of preferences (GSP) in its trade with the EU. The GSP was reviewed and Cuba will exit the scheme as from 2014. The total value of Cuban exports to the EU under the GSP was €183.4 million in 2011 (roughly a third of Cuba's exports to the EU).

2. Rationale for a Political Dialogue and Cooperation Agreement with Cuba

The proposed EU-Republic of Cuba Political Dialogue and Cooperation Agreement aims at codifying, in a bilateral framework, the existing political, cooperation and trade relations between the two sides. It should create a coherent, legally binding overall framework for the EU's relations with the Republic of Cuba. At present, 16 EU Member States have signed bilateral statements, agreements or memoranda of understanding with Cuba.

3. Composition of the negotiating team

The proposed scope of the envisaged PDCA covers a wide spectrum of policies, including foreign policy issues.

The negotiating team, composed of the Commission and of the High Representative of the Union for Foreign Affairs and Security Policy, should be headed by the Commission. It is envisaged that the Commission will appoint its Vice-President to coordinate the negotiations. It is also envisaged that the High Representative, also in her capacity as Vice-President of the Commission, will appoint the European External Action Service to negotiate the issues of the Agreement pertaining to the Common Foreign and Security Policy, and to coordinate the other issues related to the Union's external action, without prejudice to the normal tasks of the services of the European Commission.

B. RECOMMENDATION

In the light of the above the Commission recommends that the Council:

- authorise the Commission and the High Representative to negotiate a Political Dialogue and Cooperation Agreement with Cuba;
- appoint the Latin America Working Party as the special committee to assist it in this task;
- issue the negotiating directives annexed to this recommendation.

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Draft

COUNCIL DECISION

of

authorising the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy
to open negotiations and negotiate, on behalf of the European Union,
the provisions of a Political dialogue and Cooperation Agreement between the European Union, of the one part, and the Republic of Cuba, of the other part.

THE COUNCIL OF THE EUROPEAN UNION

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 218(3) and (4) thereof,

Having regard to the recommendation from the European Commission,

Whereas, following the exchange of views at the Foreign Affairs Council on 19 November 2012, relations between the EU and Cuba should be taken forward,

Whereas negotiations should be opened with a view to concluding a Political dialogue and Cooperation Agreement between the European Union, of the one part, and the Republic of Cuba, of the other part,

HAS ADOPTED THIS DECISION:

Article 1

1. The Commission and the High Representative of the Union for Foreign Affairs and Security Policy ('the High Representative') are hereby authorised to negotiate, on behalf of the European Union, the provisions of a Political Dialogue and Cooperation Agreement with the Republic of Cuba.
2. The Commission shall be the head of the Union's negotiating team.

Article 2

The negotiations should be conducted on the basis of the negotiating directives of the Council set out in the Annex to this Decision.

Article 3

The negotiations should be conducted in consultation with the Council Working Party on Latin America. The Trade Policy Committee should be consulted on the trade related parts of the agreement.

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Article 4

This Decision is addressed to the Commission and the High Representative.

Done at.....,

*For the Council
The President*

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ANNEX

**Draft Negotiating directives
Political Dialogue and Cooperation Agreement
between the European Union and the Republic of Cuba**

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