



Council of the
European Union

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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the signing, on behalf of the European Union, and provisional application of the Framework Agreement on Partnership and Cooperation between the European Union and its Member States, of the one part, and Malaysia, of the other part

COUNCIL DECISION (EU) 2018/...

of ...

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

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, in particular Articles 207 and 209, in conjunction with Article 218(5) and the second subparagraph 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,

Whereas:

- (1) On 25 November 2004, the Council authorised the Commission to open negotiations with Malaysia for a Framework Agreement on Partnership and Cooperation between the European Union and Malaysia ('the Agreement').
- (2) The negotiations were successfully concluded by the initialling of the Agreement on 6 April 2016 in Putrajaya, Malaysia.
- (3) The objective of the Agreement is to strengthen cooperation across a wide spectrum of policy fields, including human rights, non-proliferation of weapons of mass destruction, counter-terrorism, the fight against corruption and organised crime, trade, migration, the environment, energy, climate change, transport, science and technology, employment and social affairs, education and agriculture.
- (4) The Agreement should be signed on behalf of the Union, subject to its conclusion at a later date.
- (5) In view of the importance of implementing the Agreement as soon as possible after signature, parts of the Agreement should be applied provisionally,

HAS ADOPTED THIS DECISION:

Article 1

The signing on behalf of the Union of the Framework Agreement on Partnership and Cooperation between the European Union and its Member States, of the one part, and Malaysia, of the other part ('the Agreement'), is hereby authorised, subject to the conclusion of the Agreement.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the Union.

Article 3

1. Pending the completion of the procedures necessary for its entry into force, and in accordance with Article 58 of the Agreement and subject to the notifications provided for therein, the following Articles of the Agreement shall be applied provisionally between the Union and Malaysia, but only to the extent that they cover matters falling within the Union's competence, including matters falling within the Union's competence to define and implement a common foreign and security policy:
 - (a) in Title I 'Nature and scope': Articles 1 and 2;

- (b) in Title II 'Bilateral, regional and international cooperation': Article 3(1);
- (c) in Title III 'Cooperation on international peace, security and stability': Articles 7(1) and 9;
- (d) in Title IV 'Cooperation on trade and investment': Articles 10 to 17;
- (e) in Title V 'Cooperation on justice and security': Articles 18(1) and (2), 19, 20(1) and (2), to the extent that those provisions cover matters for which the Union has already exercised its competences internally;
- (f) in Title VI 'Cooperation in other sectors': Articles 25 to 27, 29 to 31 and 33, to the extent that those provisions cover matters for which the Union has already exercised its competences internally;
- (g) in Title VII 'Cooperation on science, technology and innovation': Articles 34 to 36, Article 37(1), (2) and (4) and Articles 38 to 46, to the extent that those provisions cover matters for which the Union has already exercised its competences internally;
- (h) in Title VIII 'Means of cooperation': Articles 47 to 49;

- (i) in Title IX 'Institutional framework': Article 50(1), (2) and (4), and only to the extent that those provisions are limited to the purpose of ensuring the provisional application of the Agreement;
 - (j) in Title X 'Final provisions': Article 51, Article 52(1), Articles 53 to 56, Article 57(1) and (2), Articles 58 to 60, and only to the extent that those provisions are limited to the purpose of ensuring the provisional application of the Agreement.
2. The date from which the parts of the Agreement are to be provisionally applied shall 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 date of its adoption.

Done at Brussels,

For the Council
The President
