



HIGH REPRESENTATIVE
OF THE UNION FOR
FOREIGN AFFAIRS AND
SECURITY POLICY

Brussels, 3.2.2017
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2017/0019 (NLE)

Joint Proposal for a

COUNCIL DECISION

on the position to be adopted on behalf of the European Union, in the Cooperation Council established under the Enhanced Partnership and Cooperation Agreement between the European Union and its Member States and the Republic of Kazakhstan as regards the working arrangements of the Cooperation Council, the Cooperation Committee, specialised subcommittees or any other bodies

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

(1) Article 281(3) of the Enhanced Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Kazakhstan, of the other part, ('the Agreement') provides for the provisional application of the Agreement in whole or in part. The provisional application of the Agreement between the European Union and the Republic of Kazakhstan started on 1 May 2016.

(2) The Cooperation Council between the European Union and the Republic of Kazakhstan, held on 6 October 2016, decided that its rules of procedure be adopted by an exchange of Verbal Notes. The rules of procedure will set out how the Cooperation Council will operate, including how meetings are prepared and organised.

(3) The Cooperation Council will be assisted in the performance of its duties by a Cooperation Committee. The Cooperation Council may decide to set up specialised subcommittees or any other bodies that can assist it in carrying out its duties.

(4) The Cooperation Council will establish a Subcommittee on Customs Cooperation.

(5) A Council Decision, based on a joint proposal by the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy is needed to establish the position to be adopted by the Cooperation Council in its first meeting on its rules of procedure and those of the Cooperation Committee and of the specialised subcommittees or any other bodies set up by the Cooperation Council.

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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 Articles 207 and 209, in conjunction with Article 218(9) thereof,

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

Whereas:

- (1) Article 281(3) of the Enhanced Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Kazakhstan, of the other part,¹ ('the Agreement') provides for provisional application of the Agreement in whole or in part.
- (2) Article 3 of Council Decision (EU) 2016/123² specifies which parts of the Agreement are to be applied provisionally. The Agreement is applied provisionally from 1 May 2016.
- (3) Pursuant to Article 268(7) of the Agreement, the Cooperation Council is to lay down its rules of procedure.
- (4) Pursuant to Articles 268(6) and 269(3) of the Agreement, the Cooperation Council and the Cooperation Committee are to be chaired alternatively by a representative of the European Union and a representative of the Republic of Kazakhstan.
- (5) Pursuant to Article 269(1) of the Agreement, the Cooperation Council is to be assisted in the performance of its duties by a Cooperation Committee.
- (6) Pursuant to Article 269(7) of the Agreement, the Cooperation Council is to lay down in its rules of procedure the duties and functioning of the Cooperation Committee and of any subcommittee or body set up by the Cooperation Council.

¹ OJ L 29, 4.2.2016, p. 3.

² Council Decision (EU) 2016/123 on the signing, on behalf of the European Union, and provisional application of the Enhanced Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Kazakhstan, of the other part (OJ L 29, 4.2.2016, p. 1).

- (7) Pursuant to Article 269(5) of the Agreement, the Cooperation Committee may meet in a special composition to address relevant issues related to Title III (Trade and Business). Pursuant to Article 269(6) of the Agreement, the Cooperation Council may decide to set up specialised subcommittees or any other bodies that could assist it in carrying out its duties. The Cooperation Council should determine the composition and duties of such subcommittees or bodies and how they should function.
- (8) Pursuant to Article 268(1) of the Agreement, the Cooperation Council must supervise and regularly review the implementation of the Agreement. In accordance with Article 268(4) of the Agreement, the Cooperation Council may delegate any of its powers to the Cooperation Committee, including the power to take binding decisions. Pursuant to Article 268(3) of the Agreement, the Cooperation Council has the power to update or amend the Annexes to the Agreement, based on consensus between the Parties, without prejudice to any specific provisions under Title III (Trade and Business).
- (9) Pursuant to Article 25(3) of the Agreement, the Cooperation Council is to establish a Subcommittee on Customs Cooperation. A regular dialogue is to take place on the issues covered by Chapter 2 of the Agreement. The Cooperation Committee may also establish rules for the conduct of such dialogue, as set out in Article 25(4) of the Agreement.
- (10) In order to ensure the effective implementation of the Agreement, the Rules of Procedure of the Cooperation Council, the Cooperation Committee and the subcommittees should be adopted as soon as possible.
- (11) The position of the European Union within the Cooperation Council should therefore be based on the attached draft Decisions,

HAS ADOPTED THIS DECISION:

Article 1

1. The position to be taken on behalf of the European Union in the Cooperation Council established by Article 268(1) of the Enhanced Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Kazakhstan, of the other part, shall be based on the draft Decisions of the Cooperation Council attached to this Decision as regards:
 - the adoption of the Rules of Procedure of the Cooperation Council and those of the Cooperation Committee, specialised subcommittees or any other bodies;
 - the establishment of the Subcommittee on Justice, Freedom and Security, the Subcommittee on Energy, Transport, Environment and Climate Change and the Subcommittee on Customs Cooperation.
2. Minor changes to the draft decisions of the Cooperation Council may be agreed on by the representatives of the Union in the Cooperation Council without further decision of the Council of the European Union.

Article 2

The Cooperation Council shall be chaired on the Union side by the High Representative of the Union for Foreign Affairs and Security Policy, in accordance with his or her responsibilities pursuant to the Treaties and his and her capacity as President of the Foreign Affairs Council.

Article 3

This Decision shall enter into force on the date of its adoption.

Done at Brussels,

For the Council
The President