



HIGH REPRESENTATIVE
OF THE UNION FOR
FOREIGN AFFAIRS AND
SECURITY POLICY

Brussels, 10.7.2017
JOIN(2017) 24 final

2017/0157 (NLE)

Joint Proposal for a

COUNCIL DECISION

on the Union position within the Cooperation Council established by the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Armenia, of the other part

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

Relations between the EU and Armenia are currently based on the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Armenia, of the other part ('the Partnership and Cooperation Agreement') which entered into force on 1 July 1999 and on the European Neighbourhood Policy (ENP) framework reviewed in 2015¹ (ENP Review). The key principles guiding bilateral relations in this context are more differentiation between partner countries and greater ownership by these countries.

The Parties have agreed on Partnership Priorities, as foreseen in the ENP Review. These priorities are grouped according to the priorities agreed in the Eastern Partnership Summit in Riga, in May 2015. This document provides focus for joint work in 2017-2020. It will not affect cooperation in other areas, but will guide the future financial cooperation.

• Consistency with existing policy provisions in the policy area

The Partnership Priorities are consistent with EU policy priorities in this area. These priorities are namely political and economic stabilisation of the neighbourhood and stabilisation of its security, the pursuit of EU interests and the promotion of universal values.

• Consistency with other Union policies

The proposed Partnership Priorities, while reflecting the EU's long-standing engagement towards its Eastern partner, is fully aligned with the Global Strategy for the European Union's Foreign and Security Policy. The Strategy calls for investing in the resilience of states and societies to the east while building closer relations. This integrated approach towards resilience addresses the most acute cases of governmental, economic, societal and climate/energy fragility.

The document also takes into account:

- the need for stronger democracy and the rule of law;
- the promotion of human rights, fundamental freedoms and good governance;
- the increased focus on international cooperation to counter terrorism, conflict prevention, regional stability; and
- the potential to generate sustainable growth and employment by enhanced trade in a fully functioning market economy which is a member of the Eurasian Economic Union but committed to bring many of its sectoral policies gradually in line with EU policies.

2. LEGAL ASPECTS

This proposal is based on Article 218(9) of the Treaty on the Functioning of the European Union (TFEU) for a Council Decision on the Union position within the Cooperation Council set up by the Partnership and Cooperation Agreement with regard to the adoption of

¹ Council Conclusions on the Review of the European Neighbourhood Policy of 14 December 2015.

Partnership Priorities. The substantive legal basis for the adoption of the Partnership Priorities are those underpinning the conclusion of the Partnership and Cooperation Agreement.

The adoption of the Partnership Priorities is envisaged by a Decision of the EU-Armenia Cooperation Council after the adoption by the Council of the European Union, on the basis of Article 218(9) TFEU, of an EU position within the Cooperation Council. The adopted Partnership Priorities will be the basis for programming under the European Neighbourhood Instrument.

The Council Conclusions on the Review of the European Neighbourhood Policy of 14 December 2015 welcomed the proposals set out in the Joint Communication on the Review of the European Neighbourhood Policy². These proposals aim ‘to further develop relations with partners wishing to pursue deeper relations with the EU based on shared values.’ The Joint Communication stresses the role of Partnership Priorities as ‘the basis for setting priorities for assistance’ as set out in the European Neighbourhood Instrument (ENI) regulation.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Ex-post evaluations/fitness checks of existing legislation**

Not applicable.

- **Stakeholder consultations**

These texts were drafted after close consultation with relevant Commission services and with Member States’ representatives in the Council of the European Union's Working Group on Eastern Europe and Central Asia. The texts also take account of discussions with the EU’s counterparts in Armenia.

Consultation with civil society stakeholders took place in Yerevan in March 2017. These consultations were held following the orientations framed in the reviewed European Neighbourhood Policy.

The main inputs received were all taken into account in the attached text and concerned:

- reinforced independence of the judiciary and right to fair trial;
- favourable environment for the civil society;
- protection of fundamental freedoms;
- gender equality;
- reinforced education system at all levels; and
- the fight against corruption.
- **Collection and use of expertise**

The relevant thematic expertise was available, either in the European Commission headquarters in Brussels or in the EU Delegation to Armenia in Yerevan.

² JOIN(2015) 50; 18.11.2015.

- **Impact assessment**

Not applicable.

- **Regulatory fitness and simplification**

Not applicable.

- **Fundamental rights**

No consequence for fundamental rights in the EU Member States.

For fundamental rights in Armenia, the consequences are expected to be positive. This assessment is based on the fact that in the Partnership Priorities, Armenia has committed to the following:

- to promote fundamental freedoms;
- to apply its electoral reform based on recommendations by the Office for Democratic Institutions and Human Rights of the Organisation for Security and Co-operation in Europe (OSCE);
- to promote the independence of the judiciary;
- to promote good governance through public administration reform; and
- to reinforce accountability of security operators.

On human rights, the EU and Armenia engage in regular dialogue to address a number of areas including:

- freedom of expression;
- freedom of the media;
- freedom of association;
- torture, ill-treatment and detention conditions;
- discrimination and gender-based violence;
- women's rights and rights of the child;
- protection of persons belonging to national minorities; and
- freedom of religion.

4. BUDGETARY IMPLICATIONS

No additional budgetary implication beyond what is provided in previous international EU commitments. Further budgetary implications will be defined in separate proposals, such as the forthcoming 2017-2020 European Neighbourhood Instrument Single Support Framework.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

The implementation of the EU-Armenia Partnership Priorities will be subject to regular monitoring at least once a year. This monitoring will be carried out in the context of the

review mechanisms and the meetings related to bilateral cooperation between the EU and Armenia under the Partnership and Cooperation Agreement.

6. REFERENCES

- (a) Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and Armenia, of the other part, signed on 22 April 1996; OJ L239, 9.9.1999
- (b) Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions; Review of the European Neighbourhood Policy; JOIN/2015/050 final
- (c) Council conclusions on the Review of the European Neighbourhood Policy of 14 December 2015
- (d) Regulation EU 232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighbourhood Instrument; OJ L77/27, 15.3.2014
- (e) Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Armenia, of the other part, on a Framework Agreement between the European Union and the Republic of Armenia on the general principles for the participation of the Republic of Armenia in Union programmes, signed on 17 December 2012; OJ L174, 13.06.2014
- (f) Agreement between the European Union and Armenia on the readmission of persons residing without authorisation signed on 19 April 2013; OJ L87, 27.03.2013
- (g) Agreement between the European Union and Armenia on the facilitation of the issuance of visas, signed on 17 December 2012; OJ L289, 31.10.2013
- (h) Joint Declaration on a Mobility Partnership between the European Union and Armenia, Luxembourg, 28 October 2011

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

Having regard to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part and the Republic of Armenia, of the other part (the 'Partnership and Cooperation Agreement'), in particular Article 78 thereof,

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) The Partnership and Cooperation Agreement was signed on 22 April 1996.
- (2) The Parties have agreed to negotiate Partnership Priorities with a view to providing guidance and focus for their joint work on a sector-by-sector basis.
- (3) The Parties have agreed on Partnership Priorities, which will have to be adopted by the Cooperation Council set up under the Partnership and Cooperation Agreement.
- (4) The Union position to be taken in the Cooperation Council on the adoption of the EU-Armenia Partnership Priorities has to be adopted by the Council,

HAS ADOPTED THIS DECISION:

Article 1

The Union position within the Cooperation Council established by the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part and the Republic of Armenia, of the other part, with regard to the adoption of the EU-Armenia Partnership Priorities shall be based on the draft Recommendation of the Cooperation Council attached to this Decision.

Article 2

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

Done at Brussels,

*For the Council
The President*