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Proposal for a

COUNCIL DECISION

**on the conclusion of the Framework Agreement on Partnership and Cooperation
between the European Union and its Member States, of the one part, and Mongolia, of
the other part**

EXPLANATORY MEMORANDUM

CONTEXT OF THE PROPOSAL

On 27 July 2009, the Council authorised the Commission to negotiate a Framework Agreement on Partnership and Cooperation (PCA) with Mongolia. Negotiations were launched in Ulaan Baatar in January 2010 and concluded in October 2010. The two sides initialled the PCA in Ulaan Baatar on 20 December 2010 and signed it in Ulaan Baatar on 30 April 2013. The PCA will supersede the current legal framework of the 1993 Agreement on trade and economic cooperation between the European Economic Community and Mongolia.

The PCA is testimony to the growing importance of EU-Mongolia relations based on shared principles such as equality, mutual respect, mutual benefit, democracy, the rule of law and human rights. It includes the EU's standard political clauses on human rights, weapons of mass destruction (WMDs), the International Criminal Court (ICC), small arms and light weapons (SALWs) and counter-terrorism, and promotes bilateral, regional and international cooperation. It provides the basis for more effective engagement by the EU and its Member States with Mongolia. It strengthens political, economic and sectoral cooperation across a wide range of policy fields, including trade and investment, development, justice, freedom and security. It encompasses areas such as cooperation on principles, norms and standards, raw materials, migration, organised crime and corruption, industrial policy and small and medium-sized enterprises, tourism, energy, education and culture, the environment, climate change and natural resources, agriculture, health, civil society and the modernisation of the state and public administration.

The PCA will allow the EU to assume greater responsibility and influence in the region, and to promote European values and enhance concrete cooperation in a wide range of areas of mutual interest.

The Commission notes that following the 11 June 2014 ruling of the Court of Justice of the European Union in *Case C-377/12 Commission v Council* regarding the Council Decision on the signature of the PCA with the Philippines, this proposal should be based on Articles 207, 209 and 218(6) of the Treaty on the Functioning of the European Union (TFEU).

The Commission draws the attention of the Council to the antepenultimate recital in the PCA, on the position of the UK, Ireland and Denmark pursuant to Protocols 21 and 22 of the Treaties. In the light of the above judgment, it follows that the Protocols referred to in the recital do not apply to the PCA itself. The EU side should inform the Mongolian side of these internal developments by means of a *note verbale*.

Proposal for a

COUNCIL DECISION

on the conclusion of the Framework Agreement on Partnership and Cooperation between the European Union and its Member States, of the one part, and Mongolia, 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 Articles 207 and 209, in conjunction with Article 218(6)(a) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament¹,

Whereas:

- (1) In accordance with the Decision of the Council of 14 May 2012, a Framework Agreement on Partnership and Cooperation between the European Union and its Member States, of the one part, and Mongolia, of the other part, was signed on 30 April 2013, subject to its conclusion at a later date.²
- (2) The Agreement should be approved on behalf of the European Union,

HAS ADOPTED THIS DECISION:

Article 1

The Framework Agreement on Partnership and Cooperation between the European Union and its Member States, of the one part, and Mongolia, of the other part, is hereby approved on behalf of the Union.

The text of the Agreement is annexed to this Decision.

Article 2

The High Representative of the Union for Foreign Affairs and Security Policy, in accordance with her responsibilities pursuant to the Treaties, shall chair the Joint Committee provided for in Article 56 of the Agreement.

The Union or, as the case may be, the Union and the Member States shall be represented in the Joint Committee depending on the subject matter.

Article 3

The President of the Council shall designate the person empowered to give, on behalf of the Union, the notification provided for in Article 63(1) of the Agreement.

¹ OJ C , , p. .

² OJ L 134/4 (24.05.2012)

Article 4

This Decision shall enter into force on the day of its adoption. It shall be published in the *Official Journal of the European Union*.

Done at Brussels,

*For the Council
The President*