



HIGH REPRESENTATIVE  
OF THE UNION FOR  
FOREIGN AFFAIRS AND  
SECURITY POLICY

Brussels, 19.9.2016  
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2016/0290 (NLE)

Joint Proposal for a

**COUNCIL DECISION**

**on the Union position within the Association Council set up by the  
Euro-Mediterranean Agreement establishing an association between the  
European Communities and their Member States, of the one part, and the Republic of  
Lebanon, of the other part, with regard to the adoption of EU-Lebanon Partnership  
Priorities and annexed Compact.**

## **EXPLANATORY MEMORANDUM**

### **1. CONTEXT OF THE PROPOSAL**

#### **• Reasons for and objectives of the proposal**

The revised European Neighbourhood policy<sup>1</sup> adopted in November 2015 sets a new framework to define bilateral relations with partners. These should be captured in "Partnership Priorities" that are a key point of reference with partner countries in agreeing on a limited set of targeted priorities for the coming years.

The negotiation with Lebanon took place in the spirit of the London conference of February 2016 "for Syria and the region", where the Commission and the HRVP proposed the definition of mutual commitments to help hosting countries most affected by the influx of Syrian refugees (Jordan and Lebanon). The concept is in line with the new Global Strategy for the European Union's Foreign and Security Policy<sup>2</sup> presented in June 2016 by the High Representative whereby the complete EU tool box is used in the most efficient manner to increase impact and visibility of Union support.

It was agreed between the EU and Lebanon that the "Partnership Priorities" document will have as an annex a "Compact" defining the respective EU and Lebanon commitments in facing the impact of the Syria crisis. These documents will be the basis for the programming of EU assistance.

The "Partnership Priorities" and the "Compact" reflect shared interests and focus on those areas where co-operation between the EU and Lebanon is of mutual benefit. The respect of democratic principles and fundamental human rights constitutes an essential element of the relations between the EU and Lebanon. The shared goal of a common area of peace, prosperity and stability implies working together, particularly through co-ownership and differentiation, and to take stock of Lebanon's key role in the region.

While addressing the most urgent challenges, including migration and terrorism as priorities, Lebanon and the EU will continue to pursue the core objectives of their long term partnership, which is working towards sustainable Lebanese and regional stability and sustaining economic growth through strong state institutions and the revitalisation of the Lebanese economy, by leveraging the potential of the Lebanese private sector and civil society.

The main political priorities identified in EU-Lebanon relations for the coming years are:

- Security and Countering Terrorism
- Governance and Rule of Law
- Fostering Growth and Job Opportunities
- Migration and mobility.

The annexed Compact builds on the priorities identified by the Government of Lebanon, including in its statement of intent presented at the London Conference as well as in the Lebanon Crisis Response Plan (LCRP). It focuses on strengthening the institutional and economic resilience of Lebanon while enhancing services and economic opportunities for

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<sup>1</sup> Council Conclusions on the Review of the European Neighbourhood Policy of 14th December 2015; Council press release no. 926/15

<sup>2</sup> Shared Vision, Common Action: A Stronger Europe; A Global Strategy for the European Union's Foreign and Security Policy

Syrian refugees and host communities, through increased protection, access to employment, quality education and basic services.

- **Consistency with existing policy provisions in the policy area**

The Lebanon-EU Partnership Priorities are the first bilateral framework agreed under the new European Neighbourhood Policy and are coherent with the priorities and modalities set out in the policy, namely the stabilisation of the neighbourhood in political, economic and security terms. It is also consistent with the EU-Lebanon Association Agreement, which entered into force in 2006<sup>3</sup>.

- **Consistency with other Union policies**

The proposed EU-Lebanon "Partnership Priorities and Compact", whilst reflecting the long standing commitment of the EU towards its Mediterranean partners, are fully aligned with the EU Global Strategy's call for an integrated approach in addressing crises: encompassing its humanitarian, development, migration, trade, investment, infrastructure, education, health and research policies.

The documents take into account, inter alia, the promotion of human rights and good governance, the external dimension of EU migration policies, the increased focus on international co-operation to counter terrorism and violent extremism and the potential of trade to generate fair growth and decent employment.

## **2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY**

- **Legal basis**

This is a proposal on the basis of Article 218(9) TFEU for a Council Decision on the Union position within the Association Council set up by the Euro Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Lebanon, of the other part, with regard to the adoption of Partnership Priorities and the Compact.

Art.218(9) TFEU will ensure that the "Partnership Priorities" can be the basis for Union assistance foreseen under the European Neighbourhood Instrument. The adoption of the "Partnership Priorities and the Compact" is envisaged to take place at an EU-Lebanon Association Council meeting before the end of 2016 after the adoption by the Council on basis of Article 218(9) TFEU of an EU position for the Association Council itself.

- **Subsidiarity (for non-exclusive competence)**

As the Partnership Priorities and Compact concern the relations between the EU and Lebanon, these cannot be adopted at national level by Member States.

- **Proportionality**

The adoption of a Council position according to Article 218(9) TFEU is required in view of the adoption of the Partnership Priorities and Compact by the Association Council.

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<sup>3</sup> Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Lebanon, of the other part; OJ L143/2; 30.5.2006

- **Choice of the instrument**

The Council conclusions of 14 December 2015 on the Review of the European Neighbourhood Policy<sup>4</sup> confirmed the "Council's intention to start a new phase of engagement with partners in 2016 which could lead to the setting of new partnership priorities, where appropriate, focused on agreed priorities and interests".

To pursue such engagement, the political commitments are the most adequate instrument: a new binding international agreement with Lebanon would have brought a disproportionate procedural burden if compared with the time span to be covered by the Partnership Priorities. On the other hand, a simple Memorandum of Understanding would not have enjoyed the necessary level of endorsement required by the "Action Plan or equivalent document" cited in Article 3(2) of the European Neighbourhood Instrument Regulation<sup>5</sup> as basis for the multi-annual programming of assistance.

### **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 following close consultation with relevant Commission services and with Member States' representatives in the Council Working Group on Maghreb and Mashrek as well as discussions with Lebanese counterparts.

Consultations with civil society stakeholders took place in Beirut and Brussels since March 2016. The main input received was the need to address the basic needs of the refugees from Syria including protection while supporting Lebanon to host their massive influx, the safeguard of human rights also while fighting violent extremism, the need to keep a high level of engagement in the promotion of education and other children's rights, the need to maintain efforts to promote gender equality and to protect international and local non-governmental organisations (NGOs) working in the country from undue pressures. These points were all taken into account in the attached texts.

These consultations were held following the orientations framed in the renewed European Neighbourhood Policy.

- **Collection and use of expertise**

The relevant thematic expertise was all available internally, either in Headquarters or in the EU Delegation.

- **Impact assessment**

Not applicable.

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<sup>4</sup> Council Conclusions on the Review of the European Neighbourhood Policy of 14<sup>th</sup> December 2015; Council press release no. 926/15

<sup>5</sup> 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

- **Regulatory fitness and simplification**

Not applicable.

- **Fundamental rights**

No consequence for the fundamental rights in the European Union Member States.

For the fundamental rights in Lebanon, the consequences are deemed to be positive, considering that the Lebanon Government's commitment foreseen in the Partnership Priorities and in the Compact include inter alia the implementation of commitments and obligations under international and national humanitarian law, the promotion of good governance, upholding and promoting quality public education for all children at all levels, improving access to health and justice.

#### **4. BUDGETARY IMPLICATIONS**

No additional budgetary implication beyond what is foreseen in previous international EU engagements. Any further budgetary implication will be defined by distinct proposals, such as the forthcoming 2017-2020 ENI Single Support Framework.

#### **5. OTHER ELEMENTS**

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

The implementation of the EU-Lebanon "Partnership Priorities and Compact" will be subject to a coordination mechanism with identified focal points in the relevant services to regularly review and monitor their implementation with a view of ensuring co-ownership, transparency and mutually beneficial implementation. The meetings related to the bilateral co-operation between the EU and Lebanon under the existing Association Agreement will contribute to the monitoring including at sector level.

#### **6. REFERENCES**

- a) 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
- b) Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Lebanon, of the other part; OJ L143/2; 30.5.2006
- c) Council Conclusions on the Review of the European Neighbourhood Policy of 14th 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) Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Lebanon, of the other part; OJ L143/2; 30.5.2006
- f) 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 Common Position

Paper of Arab ENP Countries presented at the Beirut Ministerial Conference  
on the European Neighbourhood Policy (ENP) Review on 24th June 2015

Joint Proposal for a

## COUNCIL DECISION

**on the Union position within the Association Council set up by the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Lebanon, of the other part, with regard to the adoption of EU-Lebanon Partnership Priorities and annexed Compact.**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 217 in conjunction with Article 218(9) thereof,

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

Whereas:

- (1) The Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Lebanon, of the other part, was signed on 17 June 2002 and entered into force on 1 April 2006<sup>6</sup>.
- (2) A Joint communication by the High Representative of the Union for Foreign Affairs and Security Policy and by the European Commission of 18 November 2015 on the Review of the European Neighbourhood Policy<sup>7</sup> has been welcomed by the Council Conclusions of 14 December 2015, where inter alia the Council confirmed the intention to start a new phase of engagement with partners in 2016 which could lead to the setting of new partnership priorities, where appropriate, focused on agreed priorities and interests.
- (3) The shared goal of the EU and Lebanon for a common area of peace, prosperity and stability implies working together, particularly through co-ownership and differentiation, and to take stock of Lebanon's key role in the region.
- (4) While addressing the most urgent challenges, the EU and Lebanon continue to pursue the core objectives of their long term partnership and work towards stability of the country and the region as well as sustained economic growth through strong state institutions and revitalisation of the Lebanese economy.

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<sup>6</sup> Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Lebanon, of the other part; OJ L143/2; 30.5.2006

<sup>7</sup> 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

HAS ADOPTED THIS DECISION:

*Article 1*

The Union position within the Association Council set up by the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the the Republic of Lebanon, of the other part, with regard to the adoption of EU-Lebanon Partnership Priorities and annexed Compact shall be based on the texts annexed to this Decision.

*Article 2*

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

Done at Brussels,

*For the Council  
The President*