



HIGH REPRESENTATIVE
OF THE UNION FOR
FOREIGN AFFAIRS AND
SECURITY POLICY

Brussels, 15.2.2017
JOIN(2017) 7 final

2017/0031 (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 Community and its Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part, with regard to the adoption of the EU-Algeria Partnership Priorities

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

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

The revised European Neighbourhood Policy (ENP)¹ adopted in November 2015 establishes a new framework for bilateral relations with partner countries. Such relations should be specified in ‘Partnership Priorities’, which are a key point of reference with partner countries for agreeing on a limited set of targeted priorities for the coming years.

The consultations with the People's Democratic Republic of Algeria (‘Algeria’) started in April 2016 when a preliminary draft version of the text was forwarded to the Algerian authorities before the visit of Commissioner Hahn to Algiers on 11 May. This approach is in line with the new global strategy of the European Union's Foreign and Security Policy², presented in June 2016 by the High Representative, whereby optimum use is made of the complete EU tool box in order to increase the impact and visibility of Union support.

The EU and Algeria agreed that the ‘Partnership Priorities’ document would be the first agreed reference framework of the revised ENP, paving the way for enhanced cooperation. The document would also be a useful reference for the programming of EU assistance.

The Partnership Priorities reflect shared interests and are focused on areas where cooperation between the EU and Algeria is of mutual benefit. Respect for democratic principles and fundamental rights is an essential component of relations between the EU and Algeria. The shared goal of a common area of peace, prosperity and stability entails working together, particularly through co-ownership and differentiation, and taking stock of Algeria's key role in the region.

While addressing the most urgent challenges, the EU and Algeria will continue to pursue the core objectives of their long-term partnership, namely working towards sustainable Algerian and regional stability and promoting sustained economic growth through strong state institutions and the diversification and greater competitiveness of the Algerian economy, by leveraging the potential of the Algerian private sector and civil society. The main political priorities for EU-Algeria relations in the coming years are:

- (1) political dialogue, governance, the rule of law and the promotion of fundamental rights;
- (2) cooperation, inclusive socioeconomic development, trade and access to the European single market;
- (3) energy, environment and sustainable development partnership;
- (4) strategy and security dialogue (including regional issues and counter-terrorism);
- (5) human dimension, migration and mobility.

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

The EU-Algeria Partnership Priorities are the first bilateral framework agreed under the new ENP and are in line with the priorities and modalities set out in the policy, namely the

¹ Council Conclusions of 14 December 2015 on the Review of the European Neighbourhood Policy; Council press release No 926/15.

² ‘Shared Vision, Common Action: A Stronger Europe - A Global Strategy for the European Union's Foreign and Security Policy’.

stabilisation of the neighbourhood in political, economic and security terms. They are also consistent with the EU-Algeria Association Agreement, which entered into force in 2005³.

- **Consistency with other Union policies**

The EU-Algeria Partnership Priorities, whilst reflecting the EU's long standing commitment to its Mediterranean partners, are fully aligned with the EU global strategy's emphasis on an integrated approach in addressing crises, encompassing its humanitarian, development, migration, trade, investment, infrastructure, education, health and research policies. The document takes into account, in particular, the promotion of human rights and good governance, the external dimension of EU migration policies, the increased focus on international cooperation 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 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 Association Council set up by the Euro Mediterranean Agreement establishing an association between the European Community and its Member States, on the one hand, and the People's Democratic Republic of Algeria, on the other, with regard to the adoption of Partnership Priorities.

Article 218(9) TFEU will ensure that the Partnership Priorities inspire the Union assistance provided for in the European Neighbourhood Instrument. The Partnership Priorities should be adopted at an EU-Algeria Association Council meeting in early 2017, following adoption by the Council of an EU position on the Association Council itself, pursuant to Article 218(9) TFEU.

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

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

- **Proportionality**

The adoption of a Council position in accordance with Article 218(9) TFEU is a requirement for the adoption of the Partnership Priorities by the Association Council.

- **Choice of the instrument**

The Council conclusions of 14 December 2015 on the Review of the European Neighbourhood Policy⁴ 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'.

³ Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part (OJ L 265, 10.10.2005).

⁴ Council Conclusions of 14 December 2015 on the Review of the European Neighbourhood Policy; Council press release No 926/15.

To pursue this engagement political commitments are the most appropriate instrument. A new binding international agreement with Algeria would have created a disproportionate procedural burden for the time span to be covered by the Partnership Priorities. On the other hand, a simple Memorandum of Understanding would not have provided a sufficiently substantive basis for the multiannual programming of assistance provided for in the ‘action plans or other equivalent jointly agreed documents’ referred to in Article 3(2) of the European Neighbourhood Instrument Regulation⁵.

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

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

Not applicable.

- **Stakeholder consultations**

This text was drafted following close consultation with relevant Commission departments and with Member States' representatives in the Council Mashraq/Maghreb Working Party, as well as discussions with Algerian counterparts.

Consultations with civil society stakeholders have taken place in Brussels since January 2016. The main input received was the need to safeguard fundamental and human rights while fighting violent extremism, the need to keep a high level of engagement in the promotion of women rights and the need to promote and protect from undue pressures international and local non-governmental organisations (NGOs) working in the country. These points were all taken into consideration in the attached texts.

The consultations were held on the basis of the guidelines in the new European Neighbourhood Policy.

- **Collection and use of expertise**

All the relevant thematic expertise was available internally, either at Headquarters or in the EU Delegations.

- **Impact assessment**

Not applicable.

- **Regulatory fitness and simplification**

Not applicable.

- **Fundamental rights**

No effect on fundamental rights in the European Union Member States.

The effects should be beneficial for fundamental rights in Algeria, considering that the commitments undertaken by the Algerian Government and provided for in the Partnership Priorities include, *inter alia*, recognition of and compliance with universal values and international commitments relating to the rule of law and respect for fundamental rights, and the implementation of the new provisions of the Constitution adopted in February 2016,

⁵ Regulation (EU) No 232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighbourhood Instrument (OJ L 77, 15.3.2014, p. 27).

particularly in the fields of governance, participatory democracy, promotion and championing of fundamental rights, including those of workers, enhancement of the role of women in society, decentralisation, strengthening of the judicial system, including the prison administration, and enhancement of the role of civil society.

4. BUDGETARY IMPLICATIONS

No additional budgetary implications beyond what is provided for in previous international EU commitments. Any further budgetary implications will be specified in separate proposals, such as the forthcoming 2018-2020 European Neighbourhood Instrument (ENI) Single Support Framework.

5. OTHER ELEMENTS

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

The implementation of the EU-Algeria Partnership Priorities will be subject to a coordination mechanism and contact points will be set up in the relevant departments to regularly review and monitor implementation and so ensure co-ownership, transparency and mutually beneficial implementation. The bilateral cooperation meetings between the EU and Algeria under the existing Association Agreement will contribute to the monitoring, especially 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) 50 final].
- (b) Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part (OJ L 265, 10.10.2005).
- (c) Council conclusions of 14 December 2015 on the Review of the European Neighbourhood Policy.
- (d) Regulation (EU) No 232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighbourhood Instrument (OJ L 77, 15.3.2014, p. 27).
- (e) 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) 50 final]; Common Position Paper of Arab ENP Countries presented at the Beirut Ministerial Conference on the review of the European Neighbourhood Policy (ENP) on 24 June 2015.

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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 Community and its Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part, was signed on 22 April 2002 and entered into force on 1 September 2005⁶.
- (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 Policy⁷ was welcomed in the Council Conclusions of 14 December 2015 where, *inter alia*, the Council confirmed its intention to start a new phase of engagement with its 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 Algeria for a common area of peace, prosperity and stability entails working together, particularly through co-ownership and differentiation, and taking stock of Algeria's key role in the region.
- (4) While addressing the most urgent challenges, the EU and Algeria continue to pursue the core objectives of their long-term partnership, namely working towards the stability of the country and the region and promoting sustained economic growth through strong state institutions and the diversification and competitiveness of the Algerian economy.

⁶ Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part (OJ L 265, 10.10.2005).

⁷ 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) 50 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 Community and its Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part, with regard to the adoption of the EU-Algeria Partnership Priorities shall be based on the text 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*