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2009/0182 (NLE)

Proposal for a

**COUNCIL DECISION**

**on the Union position to be adopted in the Cooperation Committee 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, in relation to the establishment of new subcommittees**

## **EXPLANATORY MEMORANDUM**

- (1) The 1999 Partnership and Cooperation Agreement (PCA) between the European Communities and their Member States and the Republic of Armenia forms the legal basis of bilateral relations between the European Union and Armenia.
- (2) The EU-Armenia Cooperation Council meeting of 14 November 2006 adopted a recommendation on the implementation of a European Neighbourhood Policy (ENP) Action Plan. As indicated in this recommendation, the Action Plan sets out concrete steps in bringing forward the fulfilment of the Parties' obligations set out in the PCA and provides a broader framework for further strengthening EU-Armenia relations to involve a significant measure of economic integration and a deepening of political cooperation, in accordance with the overall objectives of the PCA.
- (3) The European Council of March 2009 welcomed the establishment of an ambitious Eastern Partnership that will involve a deeper engagement with the eastern partners at both bilateral and multilateral levels, aiming at creating the necessary conditions to accelerate political association and further economic integration by seeking to support political and socio-economic reforms of partner countries, facilitating approximation towards the EU. The Joint Declaration of the Prague Eastern Partnership Summit of 7 May 2009 confirmed the desire of the EU Member States and eastern European partners to take their relationship to a new level by pursuing the above-mentioned goals.
- (4) The EU–Armenia ENP Action Plan provides in Chapter 5 (Monitoring) that the joint bodies established under the PCA will advance and monitor the implementation of the Action Plan and that structures established under the relevant agreements should be reviewed, where appropriate, to ensure that all priorities under the ENP are duly reflected.
- (5) An institutional structure including a number of sectoral subcommittees underpins the implementation of other similar agreements and Action Plans with ENP partner countries, such as Jordan (11 subcommittees to date), Morocco (10), Ukraine (7), Republic of Moldova (4). The present proposal follows a similar approach and aims to ensure an institutional structure to allow for the EU and Armenia to broaden the areas of discussion of their bilateral relations. To date one Subcommittee on trade, economic and related legal issues has been established to assist the EU-Armenia Cooperation Committee in carrying out its duties.
- (6) Armenia is willing to strengthen cooperation in the fields covered by the PCA and has expressed its commitment to a more ambitious relationship in line with the principles of the Eastern Partnership.
- (7) With a view to broadening the institutional framework for dialogue and monitoring the implementation of the ENP Action Plan and pursuing the aim of enhancing EU-Armenia relations, the European Commission proposes to the Council to establish three additional subcommittees, designated as follows: (1) Subcommittee on Justice, Freedom and Security; (2) Subcommittee on Transport, Environment and Energy and Nuclear Safety; (3) Subcommittee on Employment and Social Affairs, Public Health, Training, Education and Youth, Culture, Information Society and Audiovisual

Policy, and Science and Technology. These subcommittees will be established within the framework of the PCA.

- (8) The structure presented above would be conducive to advancing and monitoring the implementation of the ENP Action Plan. The dialogue within the framework of the subcommittees will provide for exchange of information and best practices at expert level and will help to build trust and develop closer ties between the European Commission and partner countries' experts.
- (9) The dialogue in the subcommittees will reinforce the interaction with Armenia and provide consistent information on its progress and ambition. It will also allow areas to be identified where Armenia would need assistance (e.g. for improving administrative capacity through the Eastern Partnership Comprehensive Institution-Building programmes).
- (10) As provided for by Article 2(1) of the Council and Commission Decision of 31 May 1999 on the conclusion of the aforementioned PCA, the text of the proposal for a Council Decision on the position to be taken by the Union in the EU-Armenia Cooperation Committee with regard to the establishment of new subcommittees is attached. The objectives, the subjects covered by each subcommittee and the implementing procedures are set out in the attached rules of procedure.

Proposal for a

## COUNCIL DECISION

**on the Union position to be adopted in the Cooperation Committee 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, in relation to the establishment of new subcommittees**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the functioning of the European Union,

Having regard to Article 2(1) of the Council and Commission Decision of 31 May 1999<sup>1</sup> on the conclusion of the Partnership and Cooperation Agreement (PCA) between the European Communities and their Member States, of the one part, and the Republic of Armenia, of the other part,

Having regard to the proposal from the Commission,

Whereas:

- (1) The EU-Armenia Cooperation Council, on 14 November 2006, adopted a recommendation on the implementation of the EU-Armenia Action Plan.
- (2) Article 80 of the said PCA provides that the Cooperation Council shall be assisted in the performance of its duties by a Cooperation Committee.
- (3) The EU-Armenia Cooperation Council adopted the Rules of Procedure of the Cooperation Committee on 12 October 1999<sup>2</sup>, delegating responsibility for the establishment and further setting up of subcommittees to the EU-Armenia Cooperation Committee,

HAS ADOPTED THIS DECISION:

### *Sole Article*

The position to be adopted by the Union in the Cooperation Committee established by Article 80 of 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, in relation to the establishment of new subcommittees shall be in accordance with the Annex to this Decision.

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<sup>1</sup> OJ L 239, 9.9.1999, p. 1-2.

<sup>2</sup> OJ L 297, 18.11.1999, p. 24.

Done at Brussels,

*For the Council  
The President*

## ANNEX

### THE EU-ARMENIA COOPERATION COMMITTEE,

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 Agreement') and in particular Article 80 thereof,

Whereas:

- (1) According to Article 10 of its Rules of Procedure<sup>3</sup>, the Cooperation Committee may establish subcommittees and define their terms of reference.
- (2) The EU-Armenia European Neighbourhood Policy (ENP) Action Plan (Chapter 5) provides that the joint bodies established under the Agreement will advance and monitor the implementation of the Action Plan and that structures established under the relevant agreements should be reviewed, where appropriate, to ensure that all priorities under the ENP are duly reflected.
- (3) The Joint Declaration of the Prague Eastern Partnership Summit of 7 May 2009 stresses the common wish to deepen and to intensify bilateral relations between the EU and its eastern European partners,

HAS ADOPTED THIS DECISION:

#### *Sole Article*

The subcommittees listed in Annex A are hereby established. The terms of reference of the subcommittees as set out in Annex B are hereby adopted.

Done at,

*For the EU-Armenia Cooperation Committee*

*For Armenia*

*For the European Union*

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<sup>3</sup> OJ L 297 of 18.11.1999, p. 28

## **Annex A**

### **EU-Armenia Cooperation Committee**

#### **New subcommittees established**

- (1) Subcommittee on Justice, Freedom and Security;
- (2) Subcommittee on Transport, Environment and Energy and Nuclear Safety;
- (3) Subcommittee on Employment and Social Affairs, Public Health, Training, Education and Youth, Culture, Information Society and Audiovisual Policy, and Science and Technology.



## **Annex B**

### **Terms of reference**

#### **of the Subcommittee on Justice, Freedom and Security established under 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 COOPERATION COMMITTEE,

Having regard to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Armenia, of the other part,

Having regard to the Rules of Procedure of the Cooperation Committee, established by the Cooperation Council on 12 October 1999 as Annex to its own Rules of Procedure, and in particular Article 10 thereof,

Has established a Subcommittee on Justice, Freedom and Security with the following terms of reference:

#### **Article 1**

The Subcommittee shall discuss the implementation of the Partnership and Cooperation Agreement and the related EU-Armenia European Neighbourhood Policy Action Plan in the following areas:

- border management;
- management of legal and illegal migration (including issues related to readmission, visa, security of travel documents, asylum);
- internally displaced persons;
- fight against organised crime (including, but not limited to trafficking in human beings, cyber crime, child abuse, financial and economic crime including money laundering, tax fraud and counterfeiting, corruption in private and public sectors, illicit drugs, trafficking in arms and other forms of illegal activities);
- fight against terrorism (including terrorism financing);
- law enforcement and judicial cooperation;
- the rule of law and reform of the judiciary;
- protection of personal data;
- development of cross-border and regional cooperation on Justice, Freedom and Security issues.

The Subcommittee may also discuss subjects or specific projects related to the implementation of the Eastern Partnership, Black Sea Synergy or other initiatives which are linked to relevant bilateral cooperation.

The above list is not exhaustive and other subjects may be added by the Cooperation Committee.

### **Article 2**

The Subcommittee shall work under the authority of the Cooperation Committee. It shall report and transmit its conclusions to the Cooperation Committee after each meeting.

### **Article 3**

The Subcommittee shall be composed of representatives of the Parties.

Upon agreement of both Parties, experts may be heard regarding specific points on the agenda of Subcommittee meetings as appropriate.

### **Article 4**

The Subcommittee shall be chaired alternately by the Parties according to the rules on alternate presidency of the Cooperation Committee<sup>4</sup>.

### **Article 5**

An official of the European Commission and an official of the Government of the Republic of Armenia shall act jointly as Permanent Secretary of the Subcommittee. All communications concerning the Subcommittee shall be forwarded to the Permanent Secretary.

### **Article 6**

The Subcommittee shall meet whenever circumstances require upon agreement of the Parties, on the basis of a written request from either Party, and at least once a year. Each meeting shall be held at a place determined by both Parties and at a time agreed by them.

The Subcommittee shall meet for the first time only after the following steps have been successfully accomplished:

- reply from Armenia to a questionnaire on the state of play regarding JLS issues;
- a seminar on mobility issues including prevention of illegal migration, management of legal migration, readmission and exchange of information on visa issues;
- a report to Member States.

Upon receipt of a request for a Subcommittee meeting, the Secretary of the other Party shall reply within 15 working days.

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<sup>4</sup> OJ L 297, 18.11.1999, p. 27.

In cases of particular urgency, Subcommittee meetings may be convened at shorter notice, subject to the agreement of both Parties.

Before each meeting, the chair shall be informed of the intended composition of the delegation of both Parties.

Meetings of the Subcommittee are jointly convened by the two Permanent Secretaries, acting in agreement with the Secretaries of the Cooperation Committee.

#### **Article 7**

Items for inclusion on the agenda shall be submitted to the Permanent Secretaries a minimum of 15 working days in advance of the Subcommittee meeting in question. Any supporting documentation shall be provided to the Permanent Secretaries a minimum of 10 working days in advance.

Based on these items, a provisional agenda shall be drawn up and forwarded, with available supporting documentation, to the Secretaries of the Cooperation Committee, as well as to the Permanent Representations of the Member States, not later than five working days before the Subcommittee meeting. In exceptional circumstances, with the written agreement of both Permanent Secretaries, items may be added to the agenda at short notice.

#### **Article 8**

At its meetings, the Subcommittee may treat any or all of the areas listed in Article 1.

#### **Article 9**

Unless otherwise decided, Subcommittee meetings shall not be public.

#### **Article 10**

Minutes shall be taken for each meeting. A copy of the minutes and conclusions of each Subcommittee meeting shall be transmitted to the Secretaries of the Cooperation Committee. Copies shall also be forwarded to the Permanent Representations of the Member States.

## Terms of reference

### **of the Subcommittee on Transport, Environment and Energy and Nuclear Safety established under 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 COOPERATION COMMITTEE,

Having regard to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Armenia, of the other part,

Having regard to the Rules of Procedure of the Cooperation Committee, established by the Cooperation Council on 12 October 1999 as Annex to its own Rules of Procedure, and in particular Article 10 thereof,

Has established a Subcommittee on Transport, Environment and Energy and Nuclear Safety with the following terms of reference:

#### **Article 1**

The Subcommittee shall discuss the implementation of the Partnership and Cooperation Agreement and the related EU-Armenia European Neighbourhood Policy Action Plan in the following areas:

- Transport, in particular: transport strategies, including modernisation of infrastructure, and approximation of legislative and regulatory frameworks with European and international standards; measures and reforms in the road, railway and air sectors; safety and security in all modes of transport; promotion of intelligent transport systems and the use of information technology in all the modes of transport; regional transport cooperation; implementation of the EU-Armenia horizontal air agreement;
- Environment, in particular: good environmental governance, including horizontal environmental legislation; approximation of legislative and regulatory frameworks with European and international standards; climate change; air quality; waste management; water quality and integrated water resource management; nature protection and biodiversity; desertification; industrial pollution and risk management; chemicals and genetically modified organisms; noise; regional cooperation, including with regard to water issues and the Regional Environmental Centre for the Caucasus (REC Caucasus);
- Energy and nuclear safety, in particular: energy policy convergence; legal and regulatory convergence; energy networks; energy infrastructure, nuclear safety and radioactive source security; energy efficiency and the use of renewable energy sources; regional energy cooperation.
- Relevant EU assistance;

The Subcommittee may also discuss subjects or specific projects related to the implementation of the Eastern Partnership, Black Sea Synergy or other initiatives which are linked to the relevant bilateral cooperation.

The above list is not exhaustive and other subjects may be added by the Cooperation Committee.

### **Article 2**

The Subcommittee shall work under the authority of the Cooperation Committee. It shall report and transmit its conclusions to the Cooperation Committee after each meeting.

### **Article 3**

The Subcommittee shall be composed of representatives of the Parties.

Upon agreement of both Parties, experts may be heard regarding specific points on the agenda of Subcommittee meetings as appropriate.

### **Article 4**

The Subcommittee shall be chaired alternately by the Parties according to the rules on alternate presidency of the Cooperation Committee<sup>5</sup>.

### **Article 5**

An official of the European Commission and an official of the Government of the Republic of Armenia shall act jointly as Permanent Secretary of the Subcommittee. All communications concerning the Subcommittee shall be forwarded to the Permanent Secretary.

### **Article 6**

The Subcommittee shall meet whenever circumstances require upon agreement of the Parties, on the basis of a written request from either Party, and at least once a year. Each meeting shall be held at a place determined by both Parties and at a time agreed by them.

Upon receipt of a request for a Subcommittee meeting, the Secretary of the other Party shall reply within 15 working days.

In cases of particular urgency, Subcommittee meetings may be convened at shorter notice, subject to the agreement of both Parties.

Before each meeting, the chair shall be informed of the intended composition of the delegation of both Parties.

Meetings of the Subcommittee are jointly convened by the two Permanent Secretaries, acting in agreement with the Secretaries of the Cooperation Committee.

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<sup>5</sup> OJ L 297, 18.11.1999, p. 27

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Based on these items, a provisional agenda shall be drawn up and forwarded, with available supporting documentation, to the Secretaries of the Cooperation Committee, as well as to the Permanent Representations of the Member States, not later than five working days before the Subcommittee meeting. In exceptional circumstances, with the written agreement of both Permanent Secretaries, items may be added to the agenda at short notice.

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## Terms of reference

**of the Subcommittee on Employment and Social Affairs, Public Health, Training, Education and Youth, Culture, Information Society and Audiovisual Policy, and Science and Technology established under 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 COOPERATION COMMITTEE,

Having regard to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Armenia, of the other part,

Having regard to the Rules of Procedure of the Cooperation Committee, established by the Cooperation Council on 12 October 1999 as Annex to its own Rules of Procedure, and in particular Article 10 thereof,

Has established a Subcommittee on Employment and Social Affairs, Public Health, Training, Education and Youth, Culture, Information Society and Audiovisual Policy, and Science and Technology with the following terms of reference:

### **Article 1**

The Subcommittee shall discuss the implementation of the Partnership and Cooperation Agreement and the related EU-Armenia European Neighbourhood Policy Action Plan in the following areas:

- Social and employment policy, including social reforms, social protection and social inclusion, promotion of women in social, economic and political life
- Public health
- Education, training and youth (in particular: reform and modernisation of the education and training systems, vocational training programmes, skills development and mobility)
- Culture
- Information society
- Audiovisual policy
- Science and technology, research and development
- Regional cooperation in the above-mentioned areas
- Relevant regulatory framework and EU assistance in the above-mentioned areas.

The Subcommittee may also discuss subjects or specific projects related to the implementation of the Eastern Partnership, Black Sea Synergy or other initiatives which are linked to the relevant bilateral cooperation.

The above list is not exhaustive and other subjects may be added by the Cooperation Committee.

## **Article 2**

The Subcommittee shall work under the authority of the Cooperation Committee. It shall report and transmit its conclusions to the Cooperation Committee after each meeting.

## **Article 3**

The Subcommittee shall be composed of representatives of the Parties.

Upon agreement of both Parties, experts may be heard regarding specific points on the agenda of Subcommittee meetings as appropriate.

## **Article 4**

The Subcommittee shall be chaired alternately by the Parties according to the rules on alternate presidency of the Cooperation Committee<sup>6</sup>.

## **Article 5**

An official of the European Commission and an official of the Government of the Republic of Armenia shall act jointly as Permanent Secretary of the Subcommittee. All communications concerning the Subcommittee shall be forwarded to the Permanent.

## **Article 6**

The Subcommittee shall meet whenever circumstances require upon agreement of the Parties, on the basis of a written request from either Party, and at least once a year. Each meeting shall be held at a place determined by both Parties and at a time agreed by them.

Upon receipt of a request for a Subcommittee meeting, the Secretary of the other Party shall reply within 15 working days.

In cases of particular urgency, Subcommittee meetings may be convened at shorter notice, subject to the agreement of both Parties.

Before each meeting, the chair shall be informed of the intended composition of the delegation of both Parties.

Meetings of the Subcommittee are jointly convened by the two Permanent Secretaries, acting in agreement with the Secretaries of the Cooperation Committee.

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<sup>6</sup> OJ L 297, 18.11.1999, p. 27.



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