



Brussels, 26.3.2013  
COM(2013) 170 final

2013/0090 (NLE)

Proposal for a

## **COUNCIL DECISION**

**on the Union position to be adopted in the Cooperation Council established by the Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Iraq, of the other part, in relation to the adoption of the rules of procedure of the Cooperation Council and of the Cooperation Committee, and the establishment of specialised subcommittees and the adoption of their terms of reference**

## EXPLANATORY MEMORANDUM

- (1) On 21 December 2011, the Council adopted its decision on the signing, on behalf of the European Union, and provisional application of certain provisions of the Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the republic of Iraq, of the other part (hereinafter “Agreement”)<sup>1</sup>.
- (2) On 11 May 2012, the High Representative of the European Union for Foreign Affairs and Security Policy and Vice-President of the European Commission Catherine Ashton and the Foreign Minister of the Republic of Iraq Hoshyar Zebari signed the Agreement.
- (3) The Agreement marks the first ever contractual relation between the EU and Iraq. It provides a legal framework covering issues from regular political dialogue to trade relations and regulatory cooperation, and development cooperation.
- (4) The aim of the Agreement, concluded for 10 years (renewable), is to build a solid basis for strengthening ties between Iraq and the EU. In particular, it aims to enhance political dialogue on bilateral, regional and global issues, improving the trade arrangements between Iraq and the EU, supporting Iraq’s own vital reform and development efforts and facilitating its integration into the wider international economy. The Agreement underlines the EU’s determination to play a significant role in Iraq’s transition and will be the main vehicle for the EU’s support to Iraq and further enhancement of EU-Iraq relations.
- (5) In accordance with Article 3 of the Council Decision of 21 December 2011 on the signing and provisional application of certain provisions of the Agreement, Article 2 (Human Rights clause) and Titles II (Trade and Investments), III (Cooperation areas) and V (Institutional, General and Final Provisions) are applied on a provisional basis starting from 1 August 2012, in so far as it concerns matters falling within the EU’s competence.
- (6) In Title V on institutional provisions, a Cooperation Council is established at ministerial level to supervise the implementation of the Agreement pursuant to Article 111 of the Agreement. The Cooperation Committee is established by Article 112 (1) of the Agreement. In accordance with Article 112 (2), the Cooperation Council shall be assisted in the performance of its duties by the Cooperation Committee and may decide to set up any other specialised sub-committee or body that can assist it in carrying out its duties, and shall determine the composition and duties of such committees or bodies and how they shall function.
- (7) With a view to completing the institutional framework and allowing for expert level discussions on the key areas falling within scope of the provisional application of the Agreement, it is suggested to establish three subcommittees, designated as follows: (1) Subcommittee on Human Rights and Democracy; (2) Subcommittee on Trade and related issues; (3) Subcommittee on Energy and related issues. Additional subcommittees may be established at a later stage, following agreement of the Parties.

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<sup>1</sup> OJ L 204, 31. 7. 2012

- (8) The meetings in the subcommittees will allow the EU to reinforce the interaction with the Iraqi administration and provide an opportunity to discuss in detail Iraq's development in the specific areas and priorities for EU-Iraq cooperation, as well as for EU assistance to Iraq. Iraq has expressed strong interest in starting the work of the three subcommittees as soon as possible.
- (9) Both the EU and Iraq have committed to a rapid and effective implementation of the Agreement. The aim of this proposal is therefore to ensure that the institutional framework of the Agreement is established as soon as possible, with the understanding that the first meetings of the sub-committees should take place not later than in early 2013, followed by those of the Cooperation Committee and the Cooperation Council. In order to be able to proceed in this sequence it is proposed that, by its first act the Cooperation Council adopts its decisions on (1) the adoption of the rules of procedure for the Cooperation Council and the Cooperation Committee, and (2) the establishment of the specialised subcommittees and the adoption of their terms of reference. Furthermore, these decisions should be adopted by written procedure, in accordance with Article 10 of the Cooperation Council's proposed Rules of Procedure.

Proposal for a

## COUNCIL DECISION

**on the Union position to be adopted in the Cooperation Council established by the Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Iraq, of the other part, in relation to the adoption of the rules of procedure of the Cooperation Council and of the Cooperation Committee, and the establishment of specialised subcommittees and the adoption of their terms of reference**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the functioning of the European Union, and in particular its Article 218 (9),

Having regard to Article 3 of the Council Decision of 21 December 2011 on the signing and provisional application of certain provisions of the Partnership and Cooperation Agreement ("the Agreement") between the European Union and their Member States, of the one part, and the Republic of Iraq, of the other part,<sup>2</sup> in particular its Article 111(3) and its Article 112(2),

Having regard to the proposal from the Commission,

Whereas:

- (1) In accordance with its Article 117, parts of the Agreement are applied provisionally as of 1 August 2012.
- (2) In order to contribute to the effective implementation of the Agreement, its institutional framework should be established as soon as possible.
- (3) Article 111 (3) of the Agreement provides that the Cooperation Council shall establish its rules of procedure.
- (4) Article 112 of the Agreement provides that the Cooperation Council shall be assisted in the performance of its duties by a Cooperation Committee and may decide to set up any other specialised sub-committee or body that can assist it in carrying out its duties, and shall determine the composition and duties of such committees or bodies and how they shall function.

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<sup>2</sup> OJ L xxxx

HAS ADOPTED THIS DECISION:

*Sole Article*

1. The position to be adopted by the Union in the Cooperation Council established by Article 111 of the Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Iraq, of the other part, shall be hereby established in relation to:
  - the adoption of the rules of procedure of the Cooperation Council and of the Cooperation Committee, and
  - the establishment of specialised subcommittees and the adoption of their terms of reference,under the terms of the draft Cooperation Council decisions annexed to this Decision.
2. Minor changes to the draft decisions may be agreed to by the representatives of the Union in the Cooperation Council without further decision of the Council.

Done at Brussels,

*For the Council  
The President*

## ANNEX I

### **DECISION No 1/2013 OF THE EU-IRAQ COOPERATION COUNCIL**

**of ... 2013**

#### **adopting its rules of procedure and those of the Cooperation Committee**

THE EU-IRAQ COOPERATION COUNCIL,

Having regard to the Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Iraq, of the other part, (hereinafter referred to as ‘the Agreement’) and in particular Article 111 thereof,

Whereas:

- (1) In accordance with its Article 117, parts of the Agreement are applied provisionally as of 1 August 2012.
- (2) In order to contribute to the effective implementation of the Agreement, its institutional framework should be established as soon as possible.
- (3) It is for the Cooperation Council to adopt the necessary measures to this effect; Article 111 (3) of the Agreement provides that the Cooperation Council shall establish its rules of procedure. In order for the Cooperation Committee to be operational as soon as possible, the Cooperation Council shall also establish the rules of procedure of the Cooperation Committee.
- (4) In accordance with Article 10 of the Cooperation Council’s Rules of Procedure, the Cooperation Council may take decisions by written procedure.
- (5) It is necessary to adopt the present decision of the Cooperation Council by written procedure.

HAS DECIDED AS FOLLOWS:

#### *Sole Article*

The Rules of Procedure of the Cooperation Council and those of the Cooperation Committee, as set out in Appendixes A and B respectively, are hereby adopted.

Done at ..., xxxx.

*For the Cooperation Council*

*The Chair*

## **APPENDIX A TO ANNEX I**

### **Rules of Procedure of the Cooperation Council**

#### *Article 1*

##### **Chairmanship**

The Cooperation Council shall be presided over alternately for periods of 12 months by the President of the Foreign Affairs Council of the European Union, on behalf of the European Union and its Member States, and by the Minister of Foreign Affairs of Iraq. The first period shall begin on the date of the first Cooperation Council meeting and end on 31 December of the same year.

#### *Article 2*

##### **Meetings**

The Cooperation Council shall meet at ministerial level once a year. Special sessions of Cooperation Council may be held at the request of either Party, if the Parties so agree. Unless otherwise agreed by the Parties, each session of the Cooperation Council shall be held at the usual venue for meetings of the Council of the European Union at a date agreed by both Parties. Meetings of the Cooperation Council shall be jointly convened by the Secretaries of the Cooperation Council in agreement with the Chair.

#### *Article 3*

##### **Representation**

The members of the Cooperation Council may be represented if unable to attend. If a member wishes to be so represented, he/she must notify the Chair of the name of his/her representative before the meeting at which he/she is to be so represented. The representative of a member of the Cooperation Council shall exercise all the rights of that member.

#### *Article 4*

##### **Delegations**

The members of the Cooperation Council may be accompanied by officials. Before each meeting, the Chair shall be informed of the intended composition of the delegation of each Party.

A representative of the European Investment Bank shall attend the meetings of the Cooperation Council, as an observer, when matters which concern the Bank appear on the agenda.

When appropriate and by mutual agreement, persons in their expert capacity or representatives of other bodies may be invited to attend the meetings of the Cooperation Council as observers or in order to provide information on a particular subject.

#### *Article 5*

### **Secretariat**

A representative of the General Secretariat of the Council of the European Union and a representative of the Mission of Iraq to the European Union shall act jointly as Secretaries of the Cooperation Council.

#### *Article 6*

### **Correspondence**

Correspondence addressed to the Cooperation Council shall be sent to the Chair of the Cooperation Council at the address of the Council of the European Union.

The two Secretaries shall ensure that correspondence is forwarded to the Chair of the Cooperation Council and, where appropriate, circulated to other members of the Cooperation Council. Correspondence circulated shall be sent to the Secretariat-General of the Commission, the European External Action Service, the Permanent Representations of the Member States and the General Secretariat of the Council of the European Union, as well as to the Mission of Iraq to the European Union.

Communications from the Chair of the Cooperation Council shall be sent to the addressees by the two Secretaries and circulated, where appropriate, to the other members of the Cooperation Council at the addresses indicated in the second paragraph.

#### *Article 7*

### **Publicity**

Unless otherwise decided, the meetings of the Cooperation Council shall not be public.

#### *Article 8*

### **Agendas for meetings**

1. The Chair shall draw up a provisional agenda for each meeting. It shall be forwarded by the Secretaries of the Cooperation Council to the addressees referred to in Article 6 not later than 15 days before the beginning of the meeting. The provisional agenda shall include the items in respect of which the Chair has received a request for inclusion on the agenda not later than 21 days before the beginning of the meeting, although items shall not be written into the provisional agenda unless the supporting documentation has been forwarded to the Secretaries not later than the date of dispatch of the provisional agenda. The



agenda shall be adopted by the Cooperation Council at the beginning of each meeting. An item other than those appearing on the provisional agenda may be placed on the agenda if the two Parties so agree.

2. The Chair may, in agreement with the two Parties, shorten the time limits specified in paragraph 1 in order to take account of the requirements of a particular case.

#### *Article 9*

#### **Minutes**

Draft minutes of each meeting shall be drawn up jointly by the two Secretaries. The minutes shall, as a general rule, indicate in respect of each item on the agenda:

- the documentation submitted to the Cooperation Council,
- statements requested for entry by a member of the Cooperation Council,
- the recommendations made, the statements agreed upon and the conclusions adopted.

The draft minutes shall be submitted to the Cooperation Council for approval. When approved, the minutes shall be signed by the Chair and the two Secretaries. The minutes shall be filed in the archives of the General Secretariat of the Council of the European Union, which will act as depository of the documents of the Agreement. A certified copy shall be forwarded to each of the addressees referred to in Article 6.

#### *Article 10*

#### **Deliberations**

1. The Cooperation Council shall take its decisions and make recommendations by common agreement of the Parties. The cases, in which the Cooperation Council can take decisions are indicated in the Agreement itself.

The Cooperation Council may take decisions or make recommendations by written procedure if both Parties so agree. When the Cooperation Council decides to have recourse to the written procedure, a deadline may be foreseen by mutual agreement of the Parties, at the end of which the Chair of the Cooperation Council can declare, upon report from the two Secretaries, whether a common agreement of the Parties is given.

2. The decisions and recommendations of the Cooperation Council, within the meaning of Article 111 of the Agreement, shall be entitled respectively 'Decision' and 'Recommendation' followed by a serial number, by the date of their adoption and by a description of their subject matter. The decisions and recommendations of the Cooperation Council shall be signed by the Chair and

authenticated by the two Secretaries. Decisions and recommendations shall be forwarded to each of the addressees referred to in Article 6 above. Each Party may decide on the publication of decisions and recommendations of the Cooperation Council in its respective official publication.

#### *Article 11*

### **Languages**

The official languages of the Cooperation Council shall be the official languages of the two Parties. Unless otherwise decided, the Cooperation Council shall base its deliberations on documentation drawn up in these languages.

#### *Article 12*

### **Expenses**

The European Union and Iraq shall each defray the expenses they incur by reason of their participation in the meetings of the Cooperation Council, both with regard to staff, travel and subsistence expenditure and to postal and telecommunications expenditure. Expenditure in connection with interpreting at meetings, translation and reproduction of documents shall be borne by the European Union, with the exception of expenditure in connection with interpreting or translation into or from the official language of Iraq, which shall be borne by Iraq. Other expenditure relating to the organisation of meetings shall be borne by the Party hosting the meetings.

#### *Article 13*

### **Cooperation Committee**

1. In accordance with Article 112 of the Agreement, a Cooperation Committee is established in order to assist the Cooperation Council in carrying out its duties. It shall be composed of representatives of the European Union, on the one hand, and of representatives of the Government of Iraq, on the other, normally at senior civil servant level.
2. The Cooperation Committee shall prepare the meetings and the deliberations of the Cooperation Council, implement the decisions and recommendations of the Cooperation Council where appropriate and, in general, ensure continuity of the relationship and the proper functioning of the Agreement. It shall consider any matter referred to it by the Cooperation Council as well as any other matter which may arise in the course of the day-to-day implementation of the Agreement. It shall submit proposals or any draft decisions/recommendations for adoption to the Cooperation Council.

The Cooperation Council may delegate to the Cooperation Committee any of its powers.

3. In cases where the Agreement refers to an obligation to consult or a possibility of consultation or where the Parties decide by mutual agreement to consult each other, such consultation may take place within the Cooperation Committee. The consultation may continue in the Cooperation Council if the two Parties so agree.

## **APPENDIX B TO ANNEX I**

### **Rules of Procedure of the Cooperation Committee**

#### *Article 1*

##### **Chairmanship**

The Cooperation Committee shall be presided over alternately for periods of 12 months by a representative of the European Union and by a representative of the Government of Iraq.

The first period shall begin on the date of the first Cooperation Council meeting and end on 31 December of the same year.

#### *Article 2*

##### **Meetings**

The Cooperation Committee shall meet when circumstances require, with the agreement of both Parties, at least once a year. Each meeting of the Cooperation Committee shall be held at a time and place agreed by both Parties.

Meetings of the Cooperation Committee shall be convened by the Chairman. The yearly meeting of the Cooperation Committee shall be convened in advance of the yearly meeting of the Cooperation Council. It should be convened in due time to allow for the Cooperation Committee to prepare the meeting of the Cooperation Council.

#### *Article 3*

##### **Delegations**

Before each meeting, the Chairman shall be informed of the intended composition of the delegation of each Party.

#### *Article 4*

##### **Secretariat**

A representative of the European External Action Service and a representative of the Government of Iraq shall act jointly as Secretaries of the Cooperation Committee. All communications to and from the Chairman of the Cooperation Committee provided for in this Decision shall be forwarded to the Secretaries of the Cooperation Committee and to the Secretaries and the Chair of the Cooperation Council.

#### *Article 5*

##### **Publicity**

Unless otherwise decided, the meetings of the Cooperation Committee shall not be public.

#### *Article 6*

##### **Agendas for meetings**

1. The Chairman shall draw up a provisional agenda for each meeting. It shall be forwarded by the Secretaries of the Cooperation Committee to the addressees referred to in Article 4 not later than 15 days before the beginning of the meeting.

The provisional agenda shall include the items in respect of which the Chairman has received a request for inclusion on the agenda not later than 21 days before the beginning of the meeting, although items shall not be written into the provisional agenda unless the supporting documentation has been forwarded to the Secretaries not later than the date of dispatch of the provisional agenda.

The Cooperation Committee may ask experts to attend its meetings in order to provide information on particular subjects.

The agenda shall be adopted by the Cooperation Committee at the beginning of each meeting. An item other than those appearing on the provisional agenda may be placed on the agenda if the two Parties so agree.

2. The Chairman may, in agreement with the two Parties, shorten the time limits specified in paragraph 1 in order to take account of the requirements of a particular case.

#### *Article 7*

#### **Minutes**

Minutes shall be taken for each meeting and shall be based on a summing up by the Chairman of the conclusions arrived at by the Cooperation Committee. When approved by the Cooperation Committee, the minutes shall be signed by the Chairman and by the Secretaries and filed by each of the Parties. A copy of the minutes shall be forwarded to each of the addressees referred to in Article 4.

#### *Article 8*

#### **Deliberations**

In the specific cases where the Cooperation Council empowers the Cooperation Committee to adopt certain decisions/recommendations in line with Article 13(2) of the Rules of Procedure of the Cooperation Council, these acts shall be entitled respectively 'Decision' and 'Recommendation', followed by a serial number, the date of their adoption and a description of their subject matter. Decisions and recommendations of the Cooperation Committee shall be made by common agreement between the Parties.

The Cooperation Committee may take decisions or make recommendations by written procedure if both Parties so agree. When the Cooperation Committee decides to have recourse to the written procedure, a deadline may be foreseen by mutual agreement of the Parties, at the end of which the Chairman of the Cooperation Committee can declare, upon report from the two Secretaries, whether a common agreement of the Parties is given.

The decisions and recommendations of the Cooperation Committee shall be signed by the Chair and authenticated by the two Secretaries and shall be forwarded to the addressees referred to in Article 4 of these rules of procedure. Each Party may decide on the publication

of the decisions and recommendations of this Cooperation Committee in its respective official publication.

#### *Article 9*

#### **Expenses**

The European Union and Iraq shall each defray the expenses they incur by reason of their participation in the meetings of the Cooperation Committee, both with regard to staff, travel and subsistence expenditure and to postal and telecommunications expenditure. Expenditure in connection with interpreting at meetings, translation and reproduction of documents shall be borne by the European Union, with the exception of expenditure in connection with interpreting or translation into or from the official language of Iraq, which shall be borne by Iraq. Other expenditure relating to the organisation of meetings shall be borne by the Party hosting the meetings.

#### *Article 10*

#### **Subcommittees and special groups**

In accordance with Article 13 of the Rules of Procedure of the Cooperation Council, the Cooperation Committee may decide to create subcommittees or specialised working groups to work under the authority of the Cooperation Committee, to which they shall report after each of their meetings. The Cooperation Committee may decide to abolish any existing subcommittees or working groups, define or amend their terms of reference or set up further subcommittees or working groups to assist it in carrying out its duties. These subcommittees and working groups shall not have any decision-making power.

## ANNEX II

### **DECISION No 2/2013 OF THE EU-IRAQ COOPERATION COUNCIL**

**of .. 2013**

#### **on the establishment of three specialised subcommittees and the adoption of their terms of reference**

THE EU-IRAQ COOPERATION COUNCIL,

Having regard to the Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Iraq, of the other part, ('the Agreement') and in particular Article 112 thereof,

Whereas:

- (1) In accordance with its Article 117, parts of the Agreement are provisionally applied as of 1 August 2012.
- (2) In order to contribute to the effective implementation of the Agreement, its institutional framework should be established as soon as possible.
- (3) Article 112 of the Agreement provides that the Cooperation Council shall be assisted in the performance of its duties by a Cooperation Committee and may decide to set up any other specialised sub-committee or body that can assist it in carrying out its duties, and shall determine the composition and duties of such committees or bodies and how they shall function.
- (4) In order to allow for expert level discussions on the key areas falling within scope of the provisional application of the Agreement, three subcommittees should be established. Upon further agreement of the Parties both the list of sub-committees and the scope of the individual sub-committees can be modified.
- (5) In accordance with Article 10 of the Cooperation Council's Rules of Procedure, the Cooperation Council may take decisions by written procedure.
- (6) In order for the sub-committees to become operational in a timely manner, it is necessary to adopt the present decision of the Cooperation Council by written procedure.

HAS ADOPTED THIS DECISION:

#### *Sole Article*

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

Done at,

*For the EU- Iraq Cooperation Council*

**Appendix A to ANNEX II**

**EU-Iraq Cooperation Council**

**Subcommittees established**

- (1) Subcommittee on Human Rights and Democracy;
- (2) Subcommittee on Trade and related issues;
- (3) Subcommittee on Energy and related issues;



## **Appendix B to ANNEX II**

### **Terms of reference**

**of the Subcommittees established in Appendix A, under the Partnership and Cooperation Agreement between the European Union and their Member States, of the one part, and the Republic of Iraq, of the other part**

#### **Article 1**

At its meetings, each subcommittee may treat the implementation of the Partnership and Cooperation Agreement in any or all of the areas it covers.

The Subcommittees may also discuss subjects or specific projects related to the relevant area of bilateral cooperation.

Individual cases may also be raised when either Party requires.

#### **Article 2**

The Subcommittees shall work under the authority of the Cooperation Committee. They shall report and transmit their conclusions to the Cooperation Committee after each meeting.

#### **Article 3**

The Subcommittees shall be composed of representatives of the Parties.

Upon agreement of both Parties, the Subcommittees may invite experts to their meetings and may hear them regarding specific points on the agenda of Subcommittee meetings as appropriate.

#### **Article 4**

The Subcommittees shall be chaired by the Parties alternately, according to the rules on alternate presidency of the Cooperation Committee by a representative of the European Union on the one hand and by a representative of the Government of Iraq on the other hand.

#### **Article 5**

A representative of the European External Action Service and a representative of the Government of the Republic of Iraq shall act jointly as Permanent Secretary of the Subcommittees. All communications concerning the specific Subcommittee shall be forwarded to the two Permanent Secretaries.

#### **Article 6**

The Subcommittees 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 of one of the Parties for a Subcommittee meeting, the Permanent 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.

#### **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**

Unless otherwise decided, Subcommittee meetings shall not be public.

#### **Article 9**

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.