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COASI 1	ECOFIN 7
ASIE 1	COMPET 7
CFSP/PESC 5	RECH 4
COHOM 3	ENER 1
CONOP 2	TRANS 1
COTER 1	TELECOM 3
JAI 5	ENV 2
WTO 1	EDUC 2
FISC 10	EMPL 3

'A' ITEM NOTE

From: Permanent Representatives Committee
To: Council

No. prev. doc.: 15039/18

Subject: COUNCIL DECISION on the conclusion, on behalf of the European Union, of the Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Singapore, of the other part
- Request for the consent of the European Parliament

1. On 25 November 2004, the Council authorised the Commission to open negotiations with Singapore on a Framework Agreement on Partnership and Cooperation¹. In the Negotiating Directives it was stipulated whether the agreement should be concluded inter alia by the Community and its Member States or by the Community and the European Union would be determined at the end of the negotiations and on the basis of the text resulting from these negotiations.

¹ Council Negotiating Directives for Individual Framework Agreements on Partnership and Cooperation with the Kingdom of Thailand, the Republic of Indonesia, the Republic of Singapore, the Republic of The Philippines, Malaysia, and Negara Brunei Darussalam (doc. 14844/04 EU RESTRICTED).

2. Negotiations with Singapore were launched in October 2005 and were finalised at the end May 2013. The two sides initialled the PCA in Singapore on 14 October 2013.
3. On 17 February 2014, the Commission submitted to the Council a proposal for a Council Decision on the signing, on behalf of the Union, of the Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Singapore, of the other part and, at annex, the final result of the negotiations in the form of a Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Singapore, of the other part (6634/14 + ADD1). Furthermore, the Commission submitted a draft Joint Declaration on the new Global Standard on Automatic Exchange of Information as adopted by the OECD (6634/14 ADD2), which subsequently was considered no longer relevant.
4. On 16 July 2018, Council adopted a decision on the signing of the Agreement². The Agreement was signed in Brussels on 19 October 2018.
5. On 4 December 2018, the Commission submitted to the Council a proposal on the conclusion, on behalf of the European Union, of the Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Singapore, of the other part (15223/18).
6. The Asia Oceania Working Party could not agree on the above-mentioned proposal.
7. On 7 January 2019, the Permanent Representatives Committee had an exchange of views of the legal bases of the draft Council Decision, as set out by the Legal/Linguistic experts in document 15375/18, and agreed to invite the Council to request at its forthcoming meeting the consent of the European Parliament. Furthermore the Permanent Representatives Committee agreed to work, on the basis of a note from the Council Legal Service, on a Council declaration or conclusions on the ancillary nature of Common Foreign and Security Policy legal bases to agreements between the Union and third countries or international organisations.

² OJ L 189, 26.7.2018, p.2.

8. Accordingly, Council is invited at its forthcoming meeting to decide to request the consent of the European Parliament on the basis of the Council Decision on the conclusion of the Agreement, as set out after finalisation by the Legal/Linguistic experts in document 15375/18.
