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(OR. en)

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Interinstitutional Files:
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'I/A' ITEM NOTE

From: General Secretariat of the Council

To: Permanent Representatives Committee (Part 2)/Council

No. Cion doc.: 11712/22 + ADD1, 11711/22 + ADD1

Subject: Council Decision on the signing, on behalf of the European Union, of the Framework Agreement on Partnership and Cooperation between the European Union and its Member States, of the one part, and the Government of Malaysia, of the other part

- Adoption

and

Council Decision on the conclusion, on behalf of the European Union, of the Framework Agreement on Partnership and Cooperation between the European Union and its Member States, of the one part, and the Government of Malaysia, of the other part

- Request for the consent of the European Parliament

1. On 25 November 2004, the Council authorised negotiations for a Framework Agreement on Partnership and Cooperation with Malaysia (14844/04 DCL 1). The negotiating directives stated that the legal nature of the agreement would be determined at the end of the negotiations and on the basis of the text resulting from these negotiations.

2. Negotiations with Malaysia started in 2011 and were concluded in December 2015. The agreement was initialled on 6 April 2016.
3. On 5 August 2016, the Commission submitted to the Council a Joint Proposal for a Council Decision on the signing, on behalf of the European Union, of the Framework Agreement on Partnership and Cooperation between the European Union and the Government of Malaysia and the draft Framework Agreement on Partnership and Cooperation between the European Union and the Government of Malaysia (11644/16 + ADD1).
4. At its meeting on 21 September 2016, the Asia-Oceania Working Group (COASI) called for changing the legal nature of the agreement so as to become a mixed one and invited the Commission and the EEAS to examine options for the provisional application of the agreement. This position was endorsed by the Permanent Representatives Committee on 22 March 2017.
5. On 3 July 2018, the Commission submitted to the Council a Joint Proposal for a Council Decision on the signing, on behalf of the European Union, and provisional application of the Framework Agreement on Partnership and Cooperation between the European Union and its Member States, of the one part, and the Government of Malaysia, of the other part (10755/18 + ADD1). On 19 September 2018, the Permanent Representatives Committee recommended that the Council adopt the decision and authorise the signature of the agreement (12102/18).
6. On 9 April 2019, the Permanent Representatives Committee was informed that Malaysia was reluctant to accept provisional application of the agreement and, as a consequence, revised texts would be proposed to the Council.
7. On 1 August 2022, the Commission submitted to the Council a proposal for a Council Decision on the signing, on behalf of the European Union, of the Framework Agreement on Partnership and Cooperation between the European Union and its Member States, of the one part, and the Government of Malaysia, of the other part (11712/22 + ADD1). The revised text did not foresee provisional application of the agreement.
8. On 19 September 2022, COASI agreed to invite the Permanent Representatives Committee to approve the texts.

9. In light of the above, and subject to confirmation by the Permanent Representatives' Committee, the Council is invited to:

- adopt the Council Decision on the signing of the agreement, as finalised by the legal-linguistic experts and set out in documents 11715/22 and 11732/22;
 - note that the European Parliament will be informed in accordance with Article 218(10) TFEU and that the Council Decision on the signing will be transmitted to the European Parliament;
 - decide to forward the draft Decision on the conclusion of the agreement, as finalised by the legal-linguistic experts and set out in documents 11714/22 and 11732/22, to the European Parliament for its consent.
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