Council of the European Union

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PROPOSAL

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	29 November 2018
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	JOIN(2018) 29 final - Annexes
Subject:	ANNEXES to the Joint Proposal for a Council Decision on the position to be adopted on behalf of the European Union, in the Partnership Council established by the Comprehensive and Enhanced Partnership Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Armenia, of the other part, as regards the adoption of the decisions on the rules of procedure of the Partnership Council, The PartnershipCommittee and those of specialised subcommittees or any other body

Delegations will find attached document JOIN(2018) 29 final - Annexes.

Encl.: JOIN(2018) 29 final - Annexes

EUROPEAN
COMMISSION

HIGH REPRESENTATIVE
OF THE UNION FOR
FOREIGN AFFAIRS AND
SECURITY POLICY

Brussels, 29.11.2018
JOIN(2018) 29 final

ANNEXES 1 to 2

ANNEXES

to the

Joint Proposal for a

Council Decision

on the position to be adopted on behalf of the European Union, in the Partnership Council established by the Comprehensive and Enhanced Partnership Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Armenia, of the other part, as regards the adoption of the decisions on the rules of procedure of the Partnership Council, The PartnershipCommittee and those of specialised subcommittees or any other body

ANNEX I

DECISION No ……OF THE EUROPEAN UNION-REPUBLIC OF ARMENIA PARTNERSHIP COUNCIL

on

Adopting its Rules of Procedure and those of the Partnership Committee, subcommittees or any other bodies

THE PARTNERSHIP COUNCIL,

Having regard to the Comprehensive and Enhanced Partnership Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Armenia, of the other part ('the Agreement') signed in Brussels on 24th November, 2017

Whereas:

(1) In accordance with Article 385 of the Agreement, parts of the Agreement are to be applied provisionally

(2) Pursuant to Article 362(4) of the Agreement, the Partnership Council is to establish its own rules of procedure.

(3) Pursuant to Article 363(4) of the Agreement, the Partnership Council is to determine in its Rules of Procedure the duties and functioning of the Partnership Committee.

(4) Pursuant to Article 364 (2) of the Agreement, the Partnership Council may decide to set up any subcommittees and other bodies in specific areas necessary for the implementation of this Agreement and is to determine their composition, duties and functioning.

HAS ADOPTED THIS DECISION:

Article 1

The Rules of Procedure of the Partnership Council and those of the Partnership Committee, subcommittees or any other bodies, as set out in Annexes A, B and C are hereby adopted.

Article 2

The subcommittees listed in the Annex are hereby established.

Article 3

This Decision shall enter into force on the date of its adoption.

Done at ...., xxxx,

For the Partnership Council
The Chair

ANNEX A

RULES OF PROCEDURE OF THE PARTNERSHIP COUNCIL

Article 1

General provisions

1. The Partnership Council established in accordance with Article 362 (1) of the Agreement shall perform its duties as provided for in Article 362 of the Agreement.

2. As provided for in Article 362(2) of the Agreement, the Partnership Council shall consist of representatives of the Parties at ministerial level and meet at regular intervals, at least once a year, and when circumstances require. The composition of the Partnership Council shall take into consideration the specific issues to be addressed at any given meeting.

3. As provided for in Article 362(6) of the Agreement, and for the purpose of attaining the objectives thereof, the Partnership Council shall have the power to take decisions within the scope of this Agreement in cases provided for therein. The decisions shall be binding upon the Parties, which should take appropriate measures to implement them. The Partnership Council may also make recommendations. It shall adopt its decisions and recommendations by agreement between the Parties, with due respect for the completion of the Parties' respective internal procedures.

4. For the purpose of these Rules of Procedure the term "Parties" shall be understood as defined in Article 382 of the Agreement.

Article 2

Chairmanship

The Parties shall hold the chairmanship of the Partnership Council alternately. The first period shall begin on the date of the first Partnership Council meeting and end on 31 December of the same year. The EU shall chair the first Partnership Council.

Article 3

Meetings

1. The Partnership Council shall meet once a year, and when circumstances require, by mutual agreement of the Parties. Unless otherwise agreed by the Parties, the Partnership Council shall be held at the usual venue for meetings of the Council of the European Union.

2. Each session of the Partnership Council shall be held at a date agreed by the Parties.

3. The meetings of the Partnership Council shall be convened jointly by the secretaries of the Partnership Council, in agreement with the chair of the Partnership Council no later than 30 calendar days before the date of the meeting.

Article 4

Representation

1. The representatives of the Parties in the Partnership Council may attend the meetings in person or delegate other official who shall exercise all the rights on his/her behalf.

2. The name of the delegated official shall be communicated to the chair of the Partnership Council in writing before the meeting.

Article 5

Delegations

1. The representatives of the Parties in the Partnership Council may be accompanied by officials. Before each meeting, the chair of the Partnership Council shall be informed, through the secretariat of the Partnership Council, of the intended composition of the delegation of each Party.

2. The Partnership Council may, by agreement between the Parties, invite representatives of other bodies of the Parties or independent experts in a subject area to attend its meetings as observers or in order to provide information on particular subjects. The Parties shall agree on the terms and conditions under which those observers may attend the meetings.

Article 6

Secretariat

An official of the General Secretariat of the Council of the European Union and an official of the Ministry of Foreign Affairs of the Republic of Armenia shall act jointly as secretaries of the Partnership Council.

Article 7

Correspondence

1. Correspondence addressed to the Partnership Council shall be directed to the secretary of either the European Union or of the Republic of Armenia, who in turn shall inform the other secretary.

2. The secretaries of the Partnership Council shall ensure that correspondence is forwarded to the chair of the Partnership Council, the Head of the Delegation of the other Party and, where appropriate, circulated to the representatives of the Parties in the Partnership Council.

3. Communications from the chair shall be sent to the addressees by the Secretaries on behalf of the Chair. Such communications shall be circulated, where appropriate, to the representative of the Parties in the Partnership Council.

Article 8

Confidentiality

Unless otherwise decided by the Parties, the meetings of the Partnership Council shall be held in camera. When a Party submits information designated as confidential to the Partnership Council, the other Party shall treat that information as such.

Article 9

Agendas for meetings

1. The chair of the Partnership Council shall draw up a provisional agenda for each meeting of the Partnership Council. It shall be sent by the secretaries of the Partnership Council to the addressees referred to in Article 7 no later than 20 calendar days before the meeting.

2. The provisional agenda shall include the items proposed to the chair for inclusion in the agenda no later than 21 calendar days before the meeting. Such items shall not be included in the provisional agenda unless the relevant supporting documents have been sent to the secretaries before the date of dispatch of the agenda.

3. The agenda shall be adopted by the Partnership Council at the start of each meeting. Any item other than those featuring on the provisional agenda may be added on the agenda if the representatives of the Parties so agree.

4. The chair may reduce, in consultation with the representatives of the Parties, the time-limits specified in paragraph 1 in order to take account of the requirements of a particular circumstance.

Article 10

Minutes

1. Draft minutes of each meeting shall be drawn up jointly by the secretaries of the Partnership Council.

2. The minutes shall, as a general rule, indicate for each item on the agenda:

   (a) the documentation submitted to the Partnership Council

   (b) statements which a representative of the Party in the Partnership Council requested to be entered in the minutes; and

   (c) issues agreed upon by the Parties, such as decisions adopted, statements agreed upon and any conclusions.

3. The draft minutes shall be submitted to the Partnership Council for approval. The Partnership Council shall endorse those draft minutes at its next meeting. Alternatively, those draft minutes may be endorsed in writing.

Article 11

Decisions and recommendations

1. As provided for by Article 362(6) of the Agreement the Partnership Council shall take decisions and make recommendations by mutual agreement between both Delegations and on completion of their respective internal procedures.

2. The Partnership Council may also take decisions or make recommendations by written procedure if the representatives of the Parties so agree. For this purpose, the draft decision or recommendation shall be circulated in writing by the chair of the Partnership Council to its representatives of the Parties pursuant to Article 7, no later than 21 calendar days before the meeting is due to take place. The representatives of the Parties in the Partnership Council shall make known any reservations or

amendments they wish to make within that time limit. The chair may, in consultation with the Parties, shorten the time limit to take account of the requirements of a particular case.

3. The Partnership Council, within the meaning of Article 362(6) of the Agreement, may take 'Decisions' or make 'Recommendations' respectively, followed by a serial number, the date of their adoption and a description of their subject matter. Those decisions and recommendations shall be signed by the chair and authenticated by the secretaries of the Partnership Council. Those decisions and recommendations shall be circulated pursuant to Article 7 of these Rules of Procedure. Each Party may decide on the publication of the decisions and recommendations of the Partnership Council in its respective official publication.

4. Each decision of the Partnership Council shall enter into force on the date of its adoption unless the decision or recommendation provides otherwise.

Article 12

Languages

1. The official languages of the Partnership Council shall be the official languages of the Parties.

2. The working language of the Partnership Council shall be English. Unless otherwise decided, the Partnership Council shall base its deliberations on documentation prepared in this language.

Article 13

Expenses

1. Each Party shall meet any expenses which it incurs as a result of participating in the meetings of the Partnership Council, both with regard to staff, travel and subsistence expenditure and postal and telecommunications expenditure.

2. Expenditure in connection with interpretation during meetings held in Luxembourg or Brussels, translation and reproduction of documents shall be borne by the Union.

3. Other expenditure relating to the material organisation of meetings shall be borne by the Party which hosts the meetings.

Article 14

Partnership Committee and subcommittees

1. In accordance with Article 363(1) of the Agreement, the Partnership Committee shall assist the Partnership Council in in the performance of its duties and functions. The Partnership Committee shall be composed of representatives of the Parties at senior official level.

2. 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 Partnership Committee, except as otherwise provided for in the Agreement. The consultation may continue in the Partnership Council if the Parties so agree.

3. In accordance with Article 364(2) of the Agreement, the Partnership Council may decide to set up any subcommittees or other bodies in specific areas necessary for the implementation of this Agreement and shall determine their composition, duties and functioning.

4. Upon agreement of the Parties, the Partnership Council may modify the list of subcommittees and other bodies as set out in Annex II.

Article 15

Amendment of Rules of Procedure

These Rules of Procedure may be amended in accordance with Article 11.

ANNEX B

RULES OF PROCEDURE OF THE PARTNERSHIP COMMITTEE

Article 1

General provisions

1. The Partnership Committee established in accordance with Article 363(1) of the Agreement shall assist the Partnership Council in the performance of its duties and perform the tasks provided for in the Agreement and assigned to it by the Partnership Council.

2. The Partnership Committee shall prepare the meetings and deliberations of the Partnership Council, implement the decision of the Partnership Council where appropriate and ensure the proper functioning of the Agreement in general. The Partnership Committee shall consider any matter referred to it by the Partnership Council as well as any other matter which may arise in the course of the day-to-day implementation of the Agreement.

3. The Partnership Committee shall be composed of representatives of the Parties at senior official level.

4. As provided for in Article 363 (6) of the Agreement the Partnership Committee shall have the power to adopt decisions in areas in which the Partnership Council has delegated powers to it and in the cases provided for in the Agreement. Those decisions shall be binding upon the Parties, which shall take appropriate measures to implement them. The Partnership Committee shall adopt its decisions by agreement between the Parties, subject to the completion of the Parties' respective internal procedures.

5. For the purpose of these Rules of Procedure the term "Parties" shall be understood as defined in Article 382 of the Agreement.

Article 2

Configuration

1. The Partnership Committee shall deliberate and act in a trade configuration when addressing matters related to Title VI (Trade and trade related matters) of the Agreement.

2. Pursuant to Article 363(7) of the Agreement, when the Partnership Committee meets in a special composition (‘trade configuration’) to address relevant issues related to Title VI (Trade and trade related matters), it shall be composed of senior officials of the European Commission and of the Republic of Armenia who are responsible for trade and trade-related matters. In accordance with Article 2 of these Rules of Procedure, a representative of the European Commission or of the Republic of Armenia who is in charge of trade and trade-related matters shall act as chair of the Partnership Committee when it meets in a trade configuration. The meetings may be attended by a representative of the European External Action Service.

Article 3

Delegations

1. The Partnership Committee shall be composed of two Delegations, the Delegation of the European Union on the one part, and the Delegation of the Republic of Armenia, on the other part.

2. The Head of Delegation may delegate his function to another representative of that Party.

3. The representatives of the Partnership Committee may be accompanied by officials. Before each meeting, the chair of the Partnership Council shall be informed, through the secretariat of the Partnership Council, of the intended composition of each delegation.

4. The Partnership Committee may, by agreement between the Parties, invite representatives of other bodies of the Parties or independent experts in a subject area to attend its meetings as observers or in order to provide information on particular subjects. The Parties shall agree on the terms and conditions under which those observers may attend the meetings.

5. Before each meeting, the Parties shall be informed, through the secretariat of the Partnership Committee, of the intended composition of the delegations attending the meeting on either side.

Article 4

Chairmanship

1. The Partnership Committee shall be chaired alternately by a representative of the European Union and a representative of the Republic of Armenia.

2. The Party holding the chairmanship of the Partnership Council shall also hold the chair of the Partnership Committee.

Article 5

Meetings

1. Unless otherwise agreed by the Parties, the Partnership Committee shall meet regularly and at least once a year. Special sessions of the Partnership Committee may be held at the request of either Party, if both Parties agree.

2. Each meeting of the Partnership Committee shall be convened by its chair at a place and on a date agreed by the Parties. The notice convening the meeting shall be issued by the secretariat of the Partnership Committee no later than three months prior to the start of the meeting, unless the Parties agree otherwise.

3. The Partnership Committee shall meet at least once a year in trade configuration and when circumstances so require.

4. Whenever possible, the regular meeting of the Partnership Committee shall be convened in good time before the regular meeting of the Partnership Council.

5. By way of exception and if the Heads of Delegations so agree, the meetings of the Partnership Committee may be held by any agreed technological means such as videoconference.

Article 6

Secretariat

1. An official of the European External Action Service and an official of the Ministry of Foreign Affairs of the Republic of Armenia shall jointly act as secretaries of the Partnership Committee in a general configuration. They shall execute secretarial tasks jointly and in a spirit of mutual trust and cooperation, unless these Rules of Procedure provide otherwise.

2. An official of the European Commission and an official of the Republic of Armenia who are responsible for trade and trade-related matters shall jointly act as secretaries of the Partnership Committee in trade configuration.

Article 7

Correspondence

1. Correspondence addressed to the Partnership Committee shall be directed to the secretary of either Party, who in turn will inform the other secretary.

2. The secretariat of the Partnership Committee shall ensure that correspondence addressed to the Partnership Committee is forwarded to the chair of the Partnership Committee and circulated, where appropriate, to the representatives of the Partnership Committee as documents referred to in Article 7.

3. Correspondence from the chair shall be sent to the Parties by the secretariat on behalf of the chair. Such correspondence shall be circulated, where appropriate, to the representatives of the Partnership Committee in accordance with Article 7.

Article 8

Documents

1. Documents shall be circulated through the secretaries of the Partnership Committee.

2. A Party shall transmit its documents to its secretary who shall transmit those documents to the secretary of the other Party.

3. The secretary of the Union shall circulate the documents to the relevant representatives of the Union and shall copy systematically the secretary of the Republic of Armenia in such correspondence.

4. The secretary of the Republic of Armenia shall circulate the documents to the relevant representatives of the Republic of Armenia and shall copy systematically the secretary of the Union in such correspondence.

Article 9

Confidentiality

Unless otherwise decided between the Parties, the meetings of the Partnership Committee shall not be open to the public. When a Party submits information designated as confidential to the Partnership Committee, the other Party shall treat that information as such.

Article 10

Agendas for meetings

1. A draft agenda for each meeting of the Partnership Committee as well as draft operational conclusions as provided for in Article 10 shall be drawn up by the secretariat of the Partnership Committee on the basis of proposals made by the Parties. The draft agenda shall include items which the secretariat of the Partnership Committee has received for inclusion in the agenda by a Party.

2. The draft agenda, together with the relevant supporting documents, shall be circulated in accordance with Article 7 and no later than one month before the start of the meeting.

3. The agenda shall be adopted by the Partnership Committee at the start of each meeting. Items other than those featuring on the provisional agenda may be added on the agenda if the Parties so agree.

4. The chair of the Partnership Committee meeting may, upon agreement of the other Party, invite representatives of other bodies of the Parties or independent experts in a subject area on an *ad hoc* basis, to attend its meetings in order to provide information on specific subjects. The Parties shall ensure that those observers or experts respect any confidentiality requirements.

5. The chair of the Partnership Committee meeting may reduce, in consultation with the Parties, the time limits provided for in paragraph 2 in order to take account of special circumstances.

Article 11

Minutes and operational conclusions

1. Draft minutes of each Partnership Committee meeting shall be drawn up jointly by the secretaries of the Partnership Committee within 1 month following the meeting.

2. The minutes shall, as a general rule, provide the agenda, a list of participants at the meeting including any observers or experts attending, operational conclusions from the meeting, as provided in paragraph 4 and indicate in respect of each item on the agenda:

   (a) the documentation submitted to the Partnership Committee

   (b) statements which the Partnership Committee requested to be entered in the minutes.

3. The draft minutes shall be submitted to the Partnership Committee for approval at its next meeting. Alternatively, those draft minutes can be approved in writing. The draft minutes of the Partnership Committee in trade configuration shall be approved

within 3 months of each meeting. A copy shall be sent to each of the addressees referred to in Article 7.

4. Draft operational conclusions of each meeting should be drawn up by the secretary of the Partnership Committee of the Party holding the chairmanship of the Partnership Committee. These draft operational conclusions shall be circulated to the Delegations together with the agenda, normally no later than 7 calendar days prior the start of the subsequent meeting. That draft shall be updated as the meeting proceeds so that at the end of the meeting, unless agreed otherwise by the Parties, the Partnership Committee adopts the operational conclusions, reflecting the proposed follow-up actions by the Parties. Once agreed, the operational conclusions shall be attached to the minutes and their implementation shall be reviewed during any subsequent meeting of the Partnership Committee. To that end, the Partnership Committee shall adopt a template, allowing for each action point to be tracked against a specific deadline.

Article 12

Decisions and recommendations

1. In specific cases where the Agreement confers the power to take decisions or where such power has been delegated to it by the Partnership Council, the Partnership Committee shall take those decisions. Decisions and recommendations shall be made by mutual agreement between the Parties. Each decision or recommendation shall be signed by the chair of the Partnership Committee and authenticated by the secretaries of the Partnership Committee.

2. The Partnership Committee may take decisions or make recommendations by written procedure if both Parties agree. Each decision shall enter into force on the date of its adoption unless it provides otherwise. The written procedure shall consist of an exchange of notes between the secretaries, acting in agreement with the Parties. For that purpose, the text of the proposal shall be circulated pursuant to Article 7 no later than 21 calendar days within which any reservations or amendments shall be made known. In consultation with the Parties, the chair may reduce or extend the time limits specified in this paragraph in order to take account of special circumstances. Once the text is agreed, the decision or recommendation shall be signed by the chair and authenticated by the secretaries.

3. The decisions and recommendations shall be circulated to the Parties.

4. Each Party may decide on the publication of the decisions and recommendations of the Partnership Committee in its respective official publication.

Article 13

Reports

The Partnership Committee shall report to the Partnership Council on its activities and those of its specialised subcommittees or any other bodies at each regular meeting of the Partnership Council.

Article 14

Languages

1. The official languages of the Partnership Committee shall be the official languages of the Parties.

2. The working language of the Partnership Committee shall be English. Unless otherwise decided, the deliberations of the Partnership Committee shall be conducted in English and the documentation shall be prepared in this language. Each Party may provide on its own expenses for interpretation or translations into its official languages.

Article 15

Expenses

1. Each Party shall meet any expenses it incurs as a result of participating in the meetings of the Partnership Committee, both with regard to staff, travel and subsistence expenditure and postal and telecommunications expenditure.

2. Expenditure in connection with the organisation of meetings and reproduction of documents shall be borne by the Party hosting the meeting.

3. In cases where translation of documents into the official languages of the European Union is necessary, the expenditure shall be borne by the European Union.

Article 16

Amendment of Rules of Procedure

These Rules of Procedure may be amended by a decision of the Partnership Council in accordance with Article 11 of Annex A.

ANNEX C

RULES OF PROCEDURE OF THE SUBCOMMITTEES OR ANY OTHER BODIES SET UP BY THE PARTNERSHIP COUNCIL

Article 1

1. Pursuant to Article 364 (2) of the Agreement, the Partnership Council may decide to set up any subcommittees and other bodies in specific areas necessary for the implementation of the Agreement and shall determine their composition, duties and functioning.

2. The Subcommittees may, in their respective fields of competence, inter-alia:

   (a) exchange views on any points of common interest, including future measures and the resources needed for their implementation and application;

   (b) hold regular consultations and monitor the implementation of the Agreement;

   (c) adopt practical arrangements and measures on issues defined in the Agreement;

   (d) make recommendations;

   (e) if empowered by the Partnership Council, act on its behalf, for implementing its decisions taken in accordance with Article 1(3) of the Rules of Procedure of the Partnership Council.

Article 2

Meetings

The meetings of subcommittees or any other bodies may be held flexibly as the need arises, in person, either in Brussels or in the Republic of Armenia or, for example, by videoconference. The subcommittees and any other bodies shall act as a platform to monitor progress, to discuss certain issues and challenges arising from that process and to formulate recommendations and operational conclusions.

Article 3

Secretariat

The secretariat of the Partnership Committee shall receive a copy of all relevant correspondence, documents and communications pertaining to any subcommittee or any other body.

Article 4

Unless otherwise provided for by the Agreement or agreed in the Partnership Council, the Rules of Procedure of the Partnership Committee as defined in Annex B shall be applied *mutatis mutandis* to any subcommittee or any other body.

ANNEX II

LIST OF SPECIALISED SUB-COMMITTEES

(1) Sub-Committee on Energy, Transport, Environment, Climate Action and Civil Protection

(2) Sub-Committee on Employment and Social Affairs, Public Health, Training, Education and Youth, Culture, Information Society, Audio-visual, Science and Technology ("People-to-People contacts")

(3) Sub-Committee on Justice, Freedom and Security

(4) Sub-Committee on Customs

(5) Sub-Committee on Geographical Indications

(6) Sub-Committee on economic cooperation and other related sectors