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EUROPEAN COMMISSION

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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 Azerbaijan, 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 Azerbaijan forms the legal basis of bilateral relations between the European Union and Azerbaijan.
- (2) The EU-Azerbaijan 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-Azerbaijan 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-Azerbaijan 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 Azerbaijan to broaden the areas of discussion of their bilateral relations. Two subcommittees have been established to date to assist the EU-Azerbaijan Cooperation Committee in carrying out its duties: (1) subcommittee on trade, economic and related legal issues and (2) subcommittee on energy, transport and environment.
- (6) Azerbaijan is willing to strengthen cooperation in the other 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-Azerbaijan relations, the European Commission proposes to the Council to establish two additional subcommittees, designated as follows: (1) Subcommittee on Justice, Freedom and Security and Human Rights and Democracy; (2) 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, helping 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 Azerbaijan and provide consistent information on its progress and ambition. It will also allow areas to be identified where Azerbaijan 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-Azerbaijan 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 Azerbaijan, 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 1999¹ 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 Azerbaijan, of the other part,

Having regard to the proposal from the Commission,

Whereas:

- (1) The EU-Azerbaijan Cooperation Council, on 14 November 2006, adopted a recommendation on the implementation of the EU-Azerbaijan Action Plan.
- (2) Article 83 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-Azerbaijan Cooperation Council adopted the Rules of Procedure of the Cooperation Committee on 12 October 1999², delegating responsibility for the establishment and further setting up of subcommittees to the EU-Azerbaijan Cooperation Committee,

HAS ADOPTED THIS DECISION:

Sole Article

The position to be adopted by the Union in the Cooperation Committee established by Article 83 of the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Azerbaijan, of the other part, in relation to the establishment of new subcommittees shall be in accordance with the Annex to this Decision.

¹ OJ L 246, 17.9.1999, p. 1-2.

² OJ L 297, 18.11.1999, p. 32.

Done at Brussels,

*For the Council
The President*

ANNEX

THE EU-AZERBAIJAN 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 Azerbaijan, of the other part, ('the Agreement') and in particular Article 83 thereof,

Whereas:

- (1) According to Article 10 of its Rules of Procedure³, the Cooperation Committee may establish subcommittees and define their terms of reference.
- (2) The EU-Azerbaijan 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- Azerbaijan Cooperation Committee

For Azerbaijan

For the European Union

³ OJ L 297, 18.11.1999, p. 33

Annex A

EU-Azerbaijan Cooperation Committee

New subcommittees established

- (1) Subcommittee on Justice, Freedom and Security and Human Rights and Democracy;
- (2) 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
and Human Rights and Democracy
established under the Partnership and Cooperation Agreement between the European
Communities and their Member States, of the one part, and the Republic of Azerbaijan,
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 Azerbaijan, 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 and Human Rights and Democracy with the following terms of reference:

Article 1

The Subcommittee shall discuss the implementation of the Partnership and Cooperation Agreement and the related EU-Azerbaijan 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;
- protection of personal data;
- development of cross-border and regional cooperation on Justice, Freedom and Security issues;
- democracy and human rights – including ratifying and implementing the international conventions on human rights;
- rule of law, including reform of the judiciary and access to justice.

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. Individual cases may also be raised when either Party requires.

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 Committee⁴.

Article 5

An official of the European Commission and an official of the Government of the Republic of Azerbaijan 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. Each session of the Subcommittee shall last for two days; one day shall be devoted to Justice, Freedom and Security issues and the other day shall be devoted to Human Rights and Democracy issues.

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

- an informal technical meeting in Brussels to exchange views on issues to be addressed and the practical working modalities of further cooperation in the Justice, Freedom and Security area;
- a mission of European Commission experts to Azerbaijan to conduct preliminary technical talks, exchanges on the scope and organisation of the future Justice, Freedom and Security and Human Rights and Democracy Subcommittee, and to identify partners;
- in addition to technical talks, reply from Azerbaijan to a questionnaire on the state of play regarding Justice, Freedom and Security 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.

⁴ OJ L 297, 18.11.1999, p. 33

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.

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.

Article 11

The Subcommittee shall be accompanied by a human rights seminar composed of representatives of civil society from the European Union Member States and from Azerbaijan, which shall make recommendations to the Subcommittee.

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 Azerbaijan, 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 Azerbaijan, of the other part,

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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-Azerbaijan 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 Committee⁵.

Article 5

⁵ OJ L 297, 18.11.1999, p. 33.

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

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