

# Procedure file

Basic information	
NLE - Non-legislative enactments Decision	2012/0028(NLE) Procedure completed
Treaty of Amity and Cooperation in Southeast Asia: accession of the European Union	
Subject	
3.50.20 Scientific and technological cooperation and agreements	
6.10.05 Peace preservation, humanitarian and rescue tasks, crisis management	
6.20.05 Multilateral and plurilateral economic and trade agreements and relations	
6.30.02 Financial and technical cooperation and assistance	
6.40 Relations with third countries	
Geographical area	
Thailand	
Cambodia	
New Zealand	
Canada	
Pakistan	
Russian Federation	
Singapore	
United States	
Australia	
North Korea	
Burma	
Japan	
Timor-Leste	
Brunei	
France	
Mongolia	
Papua New Guinea	
Philippines	
Turkey	
Vietnam	
Bangladesh	
China	
Indonesia	
India	
South Korea	
Sri Lanka	
Laos	
Malaysia	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>AFET</b> Foreign Affairs		21/03/2012
		PPE <a href="#">BROK Elmar</a>	
	Committee for opinion	Rapporteur for opinion	Appointed
	<b>DEVE</b> Development		The committee decided not to give an opinion.
	<b>INTA</b> International Trade		The committee decided not to give an opinion.
	<b>EMPL</b> Employment and Social Affairs		The committee decided not to

give an opinion.

**ITRE** Industry, Research and Energy

The committee decided not to give an opinion.

**AGRI** Agriculture and Rural Development

The committee decided not to give an opinion.

Council of the European Union

Council configuration

Meeting

Date

[Justice and Home Affairs \(JHA\)](#)

[3162](#)

26/04/2012

## Key events

16/02/2012	Preparatory document	<a href="#">JOIN(2012)0001</a>	Summary
20/03/2012	Legislative proposal published	<a href="#">07434/2012</a>	Summary
29/03/2012	Committee referral announced in Parliament		
12/04/2012	Vote in committee		
16/04/2012	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A7-0139/2012</a>	Summary
18/04/2012	Results of vote in Parliament		
18/04/2012	Decision by Parliament	<a href="#">T7-0122/2012</a>	Summary
26/04/2012	Act adopted by Council after consultation of Parliament		
26/04/2012	End of procedure in Parliament		
15/06/2012	Final act published in Official Journal		

## Technical information

Procedure reference	2012/0028(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision
Legal basis	Treaty on the Functioning of the EU TFEU 218-p6; Treaty on the Functioning of the EU TFEU 209-p1; Treaty on European Union TEU 31-p1; Treaty on the Functioning of the EU TFEU 212; Treaty on the Functioning of the EU TFEU 218-p8-a2; Treaty on European Union TEU 37
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	AFET/7/09203

## Documentation gateway

Preparatory document	<a href="#">JOIN(2012)0001</a>	16/02/2012	ECHR	Summary
Legislative proposal	<a href="#">07434/2012</a>	20/03/2012	CSL	Summary
Committee draft report	<a href="#">PE486.149</a>	28/03/2012	EP	

Committee report tabled for plenary, 1st reading/single reading	<a href="#">A7-0139/2012</a>	16/04/2012	EP	Summary
Text adopted by Parliament, 1st reading/single reading	<a href="#">T7-0122/2012</a>	18/04/2012	EP	Summary

### Additional information

National parliaments	<a href="#">IPEX</a>
European Commission	<a href="#">EUR-Lex</a>

### Final act

[Decision 2012/308](#)  
[OJ L 154 15.06.2012, p. 0001](#) Summary

[Corrigendum to final act 32012D0308R\(01\)](#)  
[OJ L 205 01.08.2012, p. 0019](#) Summary

## Treaty of Amity and Cooperation in Southeast Asia: accession of the European Union

**PURPOSE:** to authorise the European Union to accede to the Treaty of Amity and Cooperation in Southeast Asia.

**PROPOSED ACT:** Council Decision.

**BACKGROUND:** the Treaty of Amity and Cooperation (TAC) in Southeast Asia was signed on 24 February 1976 by Indonesia, Malaysia, the Philippines, Singapore and Thailand. Since this date, a number of Southeast Asian countries have been contracted to this Treaty in addition to the United States of America, Turkey and Canada.

The Treaty aims to promote peace, stability and co-operation in the region. To this end, it calls for the settlement of disputes by peaceful means, the preservation of peace, the prevention of conflicts and the strengthening of security in Southeast Asia. Hence, the rules and principles set out in the Treaty of Amity and Cooperation correspond to the objectives of the Unions common foreign and security polity.

The Council, at its meeting on 4-5 December 2006, authorised the Presidency and the Commission to negotiate the European Unions and the European Communitys accessions to the TAC. By letter of 7 December 2006, the European Union and the European Community have informed Cambodia, in its capacity of ASEAN Co-ordinator for relations with the EU, of its decision to apply for accession to the Treaty of Amity and Cooperation in Southeast Asia subject to the understandings expressed in the letter.

On 28 May 2009, Thailand, then Chair of ASEAN, declared the consent of all the States in Southeast Asia to the accession to the Treaty by the European Union and the European Community, subject to the entry into force of the Third Protocol to the Treaty of Amity and Cooperation in Southeast Asia. On 23 July 2010, this Third Protocol to the Treaty was signed which allows for the accession of regional organisations to the said Treaty.

The European Union should therefore accede to the Treaty of Amity and Cooperation in Southeast Asia.

**IMPACT ASSESSMENT:** no impact assessment was carried out.

**LEGAL BASIS:** Article 37 TEU and Articles 209 and 211 TFEU in conjunction with Article 31(1) TEU and Article 218(6)(a) and (8), the second subparagraph of the TFEU.

**CONTENT:** with this proposed Decision, it is proposed that the European Union accede to the Treaty of Amity and Cooperation in Southeast Asia.

The purpose of this Treaty is to promote perpetual peace, everlasting amity and cooperation in Southeast Asia.

**Principles:** in their relations with one another, the High Contracting Parties shall be guided by the following fundamental principles: (i) mutual respect for the independence, sovereignty, equality, territorial integrity and national identity of all nations; (ii) the right of every State to lead its national existence free from external interference, subversion or coercion; (iii) non-interference in the internal affairs of one another; (iv) settlement of differences or disputes by peaceful means; (v) renunciation of the threat or use of force; (vi) effective cooperation among themselves.

**Cooperation:** Parties shall promote active cooperation in the economic, social, technical, scientific and administrative fields as well as in matters of common ideals and aspirations of international peace and stability in the region and all other matters of common interest. Parties shall collaborate for the acceleration of the economic growth in the region in order to strengthen the foundation for a prosperous and peaceful community of nations in Southeast Asia. To this end, they shall promote the greater utilization of their agriculture and industries, the expansion of their trade and the improvement of their economic infrastructure for the mutual benefit of their peoples. In this regard, they shall continue to explore all avenues for close and beneficial cooperation with other States as well as international and regional organisations outside the region.

Parties, in order to achieve social justice and to raise the standards of living of the peoples of the region, shall intensify economic cooperation.

Other provisions: the Treaty also provides provisions are regards:

- the settlement of disputes;

- the procedure as regards the entry into force, the implementation and the application of the Treaty.

BUDGETARY IMPLICATION: this proposal has no implication for the EU budget.

## Treaty of Amity and Cooperation in Southeast Asia: accession of the European Union

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PURPOSE: to authorise the European Union to accede to the Treaty of Amity and Cooperation in Southeast Asia.

PROPOSED ACT: Council Decision.

BACKGROUND: the Treaty of Amity and Cooperation in Southeast Asia was signed on 24 February 1976 by Indonesia, Malaysia, the Philippines, Singapore and Thailand. Since the date of signature, a number of countries have also become signatories including, the United States of America, Turkey and Canada.

The Treaty aims to promote peace, stability and cooperation in the region. To this end, it calls for the settlement of disputes by peaceful means, the preservation of peace, the prevention of conflicts and the strengthening of security in Southeast Asia. Hence, the rules and principles set out in the Treaty correspond to the objectives of the Union's common foreign and security policy.

By letter dated 7 December 2006, the Union and the European Community informed Cambodia, in its capacity of ASEAN Co-ordinator for relations with the Union, of its decision to apply for accession to the Treaty subject to the understandings expressed in the letter.

On 28 May 2009, Thailand, then Chair of ASEAN, declared the consent of all the States in Southeast Asia to the accession to the Treaty by the Union and the European Community, subject to the entry into force of the Third Protocol to the Treaty. The latter was signed on 23 July 2010 and provides for the accession of regional organisations to the Treaty.

The Union should therefore accede to the Treaty following the entry into force of the Third Protocol to the Treaty.

IMPACT ASSESSMENT: no impact assessment was carried out.

LEGAL BASIS: Article 37 in conjunction with Article 31(1) of Treaty on European Union (TFEU).

CONTENT: under the proposal, the accession of the Union to the Treaty of Amity and Cooperation in Southeast Asia is hereby approved on behalf of the Union.

Principles: as well as in matters of common ideals and aspirations of international peace and stability in the region, the Treaty also aims to promote:

- the active cooperation in the economic, social, technical, scientific and administrative fields;
- the acceleration of the economic growth in the region in order to strengthen the foundation for a prosperous and peaceful community of nations in Southeast Asia;
- the expansion of their trade and the improvement of their economic infrastructure for the mutual benefit of their peoples;
- the improvement of their economic infrastructure for the mutual benefit of their peoples.

The texts of the Treaty and its three amending Protocols, as well as the Instrument of Accession to the Treaty by the Union, are attached to this Decision. For further details concerning the content of these texts please refer to the initial legislative proposal dated 16/02/2012.

BUDGETARY IMPLICATION: this proposal has no implication for the EU budget.

## Treaty of Amity and Cooperation in Southeast Asia: accession of the European Union

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The Committee on Foreign Affairs adopted the report by Elmar BROK (EPP, DE), and called on the European Parliament to consent to the accession of the Union to the Treaty of Amity and Cooperation in Southeast Asia.

Members consider this accession to be uncontroversial, and one which will enhance the EU's presence and visibility in the region.

## Treaty of Amity and Cooperation in Southeast Asia: accession of the European Union

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The European Parliament adopted by 613 votes to 20 with 7 abstentions, a legislative resolution on the proposal for a Council decision on the accession of the European Union to the Treaty of Amity and Cooperation in Southeast Asia.

Parliament gave its consent to the accession of the Union to the Treaty.

## Treaty of Amity and Cooperation in Southeast Asia: accession of the European Union

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OBJECTIVE: Corrigendum to the Council Decision 2012/308/CFSP of 26 April 2012 on the accession of the European Union to the Treaty of Amity and Cooperation in Southeast Asia (Decision published initially in the Official Journal of the European Union L 154 of 15 June 2012).

CONTENT: the corrections concern the following points:

- the 2<sup>nd</sup> recital should read as follows: WHEREAS Article 18, paragraph 3, of the aforesaid Treaty as amended by Article 1 of the aforesaid Third Protocol provides that States outside Southeast Asia and regional organisations whose members are only sovereign

States may accede to the Treaty subject to the consent of all the States in Southeast Asia, namely Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao Peoples Democratic Republic, Malaysia, the Republic of the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam; and;

- the 3<sup>rd</sup> recital is deleted;
- the 4<sup>th</sup> recital should read as follows: WHEREAS all the States in Southeast Asia have consented to the accession of the European Union to the Treaty,

Within the operative part,

- for: The European Union hereby accedes to the Treaty of Amity and Cooperation in Southeast Asia with effect of the date of deposit of this instrument.
- read: the European Union, having considered the abovementioned Treaty as amended by the Protocols, hereby accedes to the same and undertakes faithfully to perform and carry out all the stipulations therein contained.

Lastly, the signing formula should be read as follows: IN WITNESS WHEREOF, this Instrument of Accession is signed by the High Representative of the European Union for Foreign Affairs and Security Policy.

## Treaty of Amity and Cooperation in Southeast Asia: accession of the European Union

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**PURPOSE:** to authorise the European Union to accede to the Treaty of Amity and Cooperation in Southeast Asia.

**NON-LEGISLATIVE ACT:** Council Decision 2012/308/CFSP on the accession of the European Union to the Treaty of Amity and Cooperation in Southeast Asia.

**BACKGROUND:** the Treaty of Amity and Cooperation (TAC) in Southeast Asia was signed on 24 February 1976 by Indonesia, Malaysia, the Philippines, Singapore and Thailand. Since this date, a number of Southeast Asian countries have been contracted to this Treaty in addition to the United States of America, Turkey and Canada.

The Treaty aims to promote peace, stability and co-operation in the region. To this end, it calls for the settlement of disputes by peaceful means, the preservation of peace, the prevention of conflicts and the strengthening of security in Southeast Asia. Hence, the rules and principles set out in the Treaty of Amity and Cooperation correspond to the objectives of the Unions common foreign and security policy.

Furthermore, the Treaty provides for enhancing cooperation in economic, trade, social, technical and scientific fields as well as for the acceleration of economic growth in the region by promoting a greater utilisation of the agriculture and industries of the nations in Southeast Asia, the expansion of their trade and the improvement of their economic infrastructure. Therefore, the Treaty promotes cooperation with the developing countries of that region as well as economic, financial and technical cooperation with countries other than developing countries.

The Council, at its meeting on 4-5 December 2006, authorised the Presidency and the Commission to negotiate the European Unions and the European Communitys accessions to the TAC. By letter of 7 December 2006, the European Union and the European Community have informed Cambodia, in its capacity of ASEAN Co-ordinator for relations with the EU, of its decision to apply for accession to the Treaty of Amity and Cooperation in Southeast Asia subject to the understandings expressed in the letter.

On 28 May 2009, Thailand, then Chair of ASEAN, declared the consent of all the States in Southeast Asia to the accession to the Treaty by the European Union and the European Community, subject to the entry into force of the Third Protocol to the Treaty of Amity and Cooperation in Southeast Asia. On 23 July 2010, this Third Protocol to the Treaty was signed which allows for the accession of regional organisations to the said Treaty.

The European Union should therefore accede to the Treaty of Amity and Cooperation in Southeast Asia.

**CONTENT:** by this Decision, the accession of the Union to the Treaty of Amity and Cooperation in Southeast Asia is hereby approved on behalf of the Union.

The purpose of this Treaty is to promote perpetual peace, everlasting amity and cooperation in Southeast Asia.

**Principles:** in their relations with one another, the High Contracting Parties shall be guided by the following fundamental principles: (i) mutual respect for the independence, sovereignty, equality, territorial integrity and national identity of all nations; (ii) the right of every State to lead its national existence free from external interference, subversion or coercion; (iii) non-interference in the internal affairs of one another; (iv) settlement of differences or disputes by peaceful means; (v) renunciation of the threat or use of force; (vi) effective cooperation among themselves.

**Cooperation:** Parties shall promote active cooperation in the economic, social, technical, scientific and administrative fields as well as in matters of common ideals and aspirations of international peace and stability in the region and all other matters of common interest. Parties shall collaborate for the acceleration of the economic growth in the region in order to strengthen the foundation for a prosperous and peaceful community of nations in Southeast Asia.

To this end, they shall promote the greater utilization of their agriculture and industries, the expansion of their trade and the improvement of their economic infrastructure for the mutual benefit of their peoples. In this regard, they shall continue to explore all avenues for close and beneficial cooperation with other States as well as international and regional organisations outside the region. Parties, in order to achieve social justice and to raise the standards of living of the peoples of the region, shall intensify economic cooperation.

**Other provisions:** the Treaty also provides provisions are regards:

- the settlement of disputes;
- the procedure as regards the entry into force, the implementation and the application of the Treaty.

**ENTRY INTO FORCE:** the Decision shall enter into force on 26.04.2012. The Treaty shall enter into force when all the necessary procedure have been completed.

