

EU/Canada Strategic Partnership Agreement

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PURPOSE: to conclude the Strategic Partnership Agreement (SPA) between the European Union and its Member States, of the one part, and Canada, of the other part.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has approved the latter.

BACKGROUND: on 8 December 2010, the Council adopted a Decision authorising the Commission and the High Representative of the Union for Foreign Affairs and Security Policy to negotiate a Framework Agreement between the European Union and its Member States, on the one part, and Canada, of the other part.

The negotiations on the Agreement commenced in September 2011 and concluded in September 2014 with initialling of the Agreement. Following the adoption of the Council Decision on the signing and provisional application of the Agreement on 28 October 2016, the Agreement was signed on 30 October 2016 at the 16th EU-Canada Summit.

The present joint proposal concerns the legal instrument concluding the Agreement.

Note on legal basis: Article 218(6)(a)(iii) TFEU states that, where an agreement establishes a specific institutional framework by organising cooperation procedures, the Council shall adopt a decision concluding the agreement after obtaining the consent of the European Parliament. Moreover, the second subparagraph of Article 218(8) TFEU states that the Council shall act unanimously when the agreement covers a field for which unanimity is required for the adoption of a Union act.

The Agreement pursues objectives and has components in the areas of the common foreign and security policy and technical cooperation with developed countries. These aspects of the Agreement are inseparably linked without one being incidental to the other.

The common foreign and security policy is a field for which unanimity is required for adopting a Union act. The Agreement establishes an institutional framework for cooperation between the EU and Canada.

The legal basis of the proposed decision should therefore be Article 37 TEU and Article 212(1) TFEU read in conjunction with Article 218(6)(a) TFEU and the second subparagraph of Article 218(8) TFEU.

CONTENT : the Commission and of the High Representative of the Union for Foreign Affairs and Security Policy jointly propose that the Council adopt a decision approving the Framework Agreement between the European Union and its Member States, of the one part, and Canada, of the other part, on behalf of the Union.

The text of the Agreement is attached to the Decision.

The aim of the Agreement is to strengthen existing cooperation between the Parties, which is based on the 1976 Framework Agreement for commercial and economic cooperation, in order to cover political dialogue and common foreign and security policy-related issues, and a broad range of sectors including environment, justice and security, migration and integration, fisheries, education, culture, human rights, northern development and indigenous issues, youth exchanges and transport security.

The Agreement (SPA) envisages several kinds of cooperation:

Political cooperation: the aim of the SPA is to strengthen EU - Canada political ties and cooperation on foreign and security issues, and to advance cooperation on a large number of policy areas besides trade and economics.

The Agreement enshrines EU-Canada common democratic values and will advance cooperation on a bilateral and multilateral level. The SPA will strengthen political dialogue in fields such as:

- climate change,
- energy,
- environment,
- development,
- research and innovation,
- education and culture,
- migration,
- counter-terrorism and the fight against organised crime and cybercrime.

It reaffirms the Parties' commitment to safeguarding international peace and security by preventing the proliferation of weapons of mass destruction and undertaking measures to deal with the illicit trade in small arms and light weapons.

Institutional cooperation: the SPA provides the mechanism for conducting political dialogue by organising annual summits at leaders level and consultations at ministerial level. It also establishes a Joint Ministerial Committee, which replaces the previous Transatlantic Dialogue, and a Joint Cooperation Committee with the objective of monitoring the development of the strategic relationship between the Parties.

Suspension mechanism: the Agreement provides for the possibility of suspending its application in case of a violation of essential elements of the Agreement such as human rights and non-proliferation. In addition, the Parties recognise that a particularly serious and substantial violation of human rights or non-proliferation could also serve as grounds for the termination of the Comprehensive Economic and Trade Agreement (CETA). The SPA, in conjunction with the CETA, is expected to provide tangible benefits and opportunities to the citizens of the EU and Canada.

