

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1/2013 OF THE EU-IRAQ COOPERATION COUNCIL of 8 October 2013 adopting its rules of procedure and those of the Cooperation Committee (2013/802/EU)

THE EU-IRAQ COOPERATION COUNCIL,

Having regard to the Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Iraq, of the other part, (hereinafter 'the Agreement') and in particular Article 111 thereof,

Whereas:

- (1) In accordance with Article 117 of the Agreement, certain provisions thereof have been applied provisionally since 1 August 2012.
- (2) In order to contribute to the effective implementation of the Agreement, its institutional framework should be established as soon as possible. In this regard, it is for the Cooperation Council to adopt the necessary measures.
- (3) Article 111 (3) of the Agreement provides that the Cooperation Council is to establish its rules of procedure. In order for the Cooperation Committee to be operational as soon as possible, the Cooperation Council is also to establish the rules of procedure of the Cooperation Committee.

(4) In accordance with Article 10 of the Cooperation Council's Rules of Procedure, the Cooperation Council may take decisions by written procedure.

(5) It is necessary to adopt this Decision by written procedure,

HAS ADOPTED THIS DECISION:

Sole Article

The Rules of Procedure of the Cooperation Council and those of the Cooperation Committee, as set out in Annexes I and II respectively, are hereby adopted.

Done at Brussels, 8 October 2013.

For the EU-Iraq Cooperation Council
The Chairman
C. ASHTON

ANNEX I

RULES OF PROCEDURE OF THE EU-IRAQ COOPERATION COUNCIL*Article 1***Chairmanship**

The Cooperation Council shall be presided over alternately for periods of 12 months by the President of the Foreign Affairs Council of the European Union, on behalf of the European Union and its Member States, and by the Minister of Foreign Affairs of Iraq. The first period shall begin on the date of the first Cooperation Council meeting and end on 31 December of the same year.

*Article 2***Meetings**

The Cooperation Council shall meet at ministerial level once a year. Special sessions of Cooperation Council may be held at the request of either Party, if the Parties so agree. Unless otherwise agreed by the Parties, each session of the Cooperation Council shall be held at the usual venue for meetings of the Council of the European Union at a date agreed by both Parties. Meetings of the Cooperation Council shall be jointly convened by the Secretaries of the Cooperation Council in agreement with the Chair.

*Article 3***Representation**

The members of the Cooperation Council may be represented if unable to attend. If a member wishes to be so represented, he/she must notify the Chair of the name of his/her representative before the meeting at which he/she is to be so represented. The representative of a member of the Cooperation Council shall exercise all the rights of that member.

*Article 4***Delegations**

The members of the Cooperation Council may be accompanied by officials. Before each meeting, the Chair shall be informed of the intended composition of the delegation of each Party.

A representative of the European Investment Bank shall attend the meetings of the Cooperation Council, as an observer, when matters which concern the Bank appear on the agenda.

When appropriate and by mutual agreement, persons in their expert capacity or representatives of other bodies may be invited to attend the meetings of the Cooperation Council as observers or in order to provide information on a particular subject.

*Article 5***Secretariat**

A representative of the General Secretariat of the Council of the European Union and a representative of the Mission of Iraq to the European Union shall act jointly as Secretaries of the Cooperation Council.

*Article 6***Correspondence**

Correspondence addressed to the Cooperation Council shall be sent to the Chair of the Cooperation Council at the address of the Council of the European Union.

The two Secretaries shall ensure that correspondence is forwarded to the Chair of the Cooperation Council and, where appropriate, circulated to other members of the Cooperation Council. Correspondence circulated shall be sent to the Secretariat-General of the Commission, the European External Action Service, the Permanent Representations of the Member States and the General Secretariat of the Council of the European Union, as well as to the Mission of Iraq to the European Union.

Communications from the Chair of the Cooperation Council shall be sent to the addressees by the two Secretaries and circulated, where appropriate, to the other members of the Cooperation Council at the addresses indicated in the second paragraph.

*Article 7***Publicity**

Unless otherwise decided, the meetings of the Cooperation Council shall not be public.

*Article 8***Agendas for meetings**

1. The Chair shall draw up a provisional agenda for each meeting. It shall be forwarded by the Secretaries of the Cooperation Council to the addressees referred to in Article 6 not later than 15 days before the beginning of the meeting. The provisional agenda shall include the items in respect of which the Chair has received a request for inclusion on the agenda not later than 21 days before the beginning of the meeting, although items shall not be written into the provisional agenda unless the supporting documentation has been forwarded to the Secretaries not later than the date of dispatch of the provisional agenda. The agenda shall be adopted by the Cooperation Council at the beginning of each meeting. An item other than those appearing on the provisional agenda may be placed on the agenda if the two Parties so agree.

2. The Chair may, in agreement with the two Parties, shorten the time limits specified in paragraph 1 in order to take account of the requirements of a particular case.

*Article 9***Minutes**

Draft minutes of each meeting shall be drawn up jointly by the two Secretaries. The minutes shall, as a general rule, indicate in respect of each item on the agenda:

- the documentation submitted to the Cooperation Council,
- statements requested for entry by a member of the Cooperation Council,
- the recommendations made, the statements agreed upon and the conclusions adopted.

The draft minutes shall be submitted to the Cooperation Council for approval. When approved, the minutes shall be signed by the Chair and the two Secretaries. The minutes shall be filed in the archives of the General Secretariat of the Council of the European Union, which will act as depository of the documents of the Agreement. A certified copy shall be forwarded to each of the addressees referred to in Article 6 of these Rules of Procedure.

*Article 10***Decisions and recommendations**

1. The Cooperation Council shall take its decisions and make recommendations by common agreement of the Parties. The cases in which the Cooperation Council can take decisions are indicated in the Agreement itself.

The Cooperation Council may take decisions or make recommendations by written procedure if both Parties so agree. When the Cooperation Council decides to have recourse to the written procedure, a deadline may be foreseen by mutual agreement of the Parties, at the end of which the Chair of the Cooperation Council can declare, upon report from the two Secretaries, whether a common agreement of the Parties is given.

2. The decisions and recommendations of the Cooperation Council, within the meaning of Article 111 of the Agreement, shall be entitled respectively 'Decision' and 'Recommendation' followed by a serial number, by the date of their adoption and by a description of their subject matter. The decisions and recommendations of the Cooperation Council shall be signed by the Chair and authenticated by the two Secretaries. Decisions and recommendations shall be forwarded to each of the addressees referred to in Article 6 of these Rules of Procedure. Each Party may decide on the publication of decisions and recommendations of the Cooperation Council in its respective official publication.

*Article 11***Languages**

The official languages of the Cooperation Council shall be the official languages of the two Parties. Unless otherwise decided, the Cooperation Council shall base its decisions and deliberations on documentation drawn up in these languages.

*Article 12***Expenses**

The European Union and Iraq shall each defray the expenses they incur by reason of their participation in the meetings of the Cooperation Council, with regard both to staff, travel and subsistence expenditure and to postal and telecommunications expenditure. Expenditure in connection with interpreting at meetings, translation and reproduction of documents shall be borne by the European Union, with the exception of expenditure in connection with interpreting or translation into or from the official language of Iraq, which shall be borne by Iraq. Other expenditure relating to the organisation of meetings shall be borne by the Party hosting the meetings.

*Article 13***Cooperation Committee**

1. In accordance with Article 112 of the Agreement, a Cooperation Committee is established in order to assist the Cooperation Council in carrying out its duties. It shall be composed of representatives of the European Union, on the one hand, and of representatives of the Government of Iraq, on the other, normally at senior civil servant level.
2. The Cooperation Committee shall prepare the meetings and the deliberations of the Cooperation Council, implement the decisions and recommendations of the Cooperation Council where appropriate and, in general, ensure continuity of the relationship and the proper functioning of the Agreement. It shall consider any matter referred to it by the Cooperation Council as well as any other matter which may arise in the course of the day-to-day implementation of the Agreement. It shall submit proposals or any draft decisions/recommendations for adoption to the Cooperation Council.

The Cooperation Council may delegate to the Cooperation Committee any of its powers.

3. 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 Cooperation Committee. The consultation may continue in the Cooperation Council if the two Parties so agree.

ANNEX II

RULES OF PROCEDURE OF THE COOPERATION COMMITTEE*Article 1***Chairmanship**

The Cooperation Committee shall be presided over alternately for periods of 12 months by a representative of the European Union and by a representative of the Government of Iraq.

The first period shall begin on the date of the first Cooperation Council meeting and end on 31 December of the same year.

*Article 2***Meetings**

The Cooperation Committee shall meet when circumstances require, with the agreement of both Parties, and at least once a year. Each meeting of the Cooperation Committee shall be held at a time and place agreed by both Parties.

Meetings of the Cooperation Committee shall be convened by the Chairman. The yearly meeting of the Cooperation Committee shall be convened in advance of the yearly meeting of the Cooperation Council. It should be convened in due time to allow for the Cooperation Committee to prepare the meeting of the Cooperation Council.

*Article 3***Delegations**

Before each meeting, the Chairman shall be informed of the intended composition of the delegation of each Party.

*Article 4***Secretariat**

A representative of the European External Action Service and a representative of the Government of Iraq shall act jointly as Secretaries of the Cooperation Committee. All communications to and from the Chairman of the Cooperation Committee provided for in this Decision shall be forwarded to the Secretaries of the Cooperation Committee and to the Secretaries and the Chair of the Cooperation Council.

*Article 5***Publicity**

Unless otherwise decided, the meetings of the Cooperation Committee shall not be public.

*Article 6***Agendas for meetings**

1. The Chairman shall draw up a provisional agenda for each meeting. It shall be forwarded by the Secretaries of the Cooperation Committee to the addressees referred to in Article 4 not later than 15 days before the beginning of the meeting.

The provisional agenda shall include the items in respect of which the Chairman has received a request for inclusion on the agenda not later than 21 days before the beginning of the meeting, although items shall not be written into the provisional agenda unless the supporting documentation has been forwarded to the Secretaries not later than the date of dispatch of the provisional agenda.

The Cooperation Committee may ask experts to attend its meetings in order to provide information on particular subjects.

The agenda shall be adopted by the Cooperation Committee at the beginning of each meeting. An item other than those appearing on the provisional agenda may be placed on the agenda if the two Parties so agree.

2. The Chairman may, in agreement with the two Parties, shorten the time limits specified in paragraph 1 in order to take account of the requirements of a particular case.

*Article 7***Minutes**

Minutes shall be taken for each meeting and shall be based on a summing up by the Chairman of the conclusions arrived at by the Cooperation Committee. When approved by the Cooperation Committee, the minutes shall be signed by the Chairman and by the Secretaries and filed by each of the Parties. A copy of the minutes shall be forwarded to each of the addressees referred to in Article 4.

*Article 8***Decisions and recommendations**

In the specific cases where the Cooperation Council empowers the Cooperation Committee to adopt certain decisions/recommendations in line with Article 13(2) of the Rules of Procedure of the Cooperation Council, these acts shall be entitled respectively 'Decision' and 'Recommendation', followed by a serial number, the date of their adoption and a description of their subject matter. Decisions and recommendations of the Cooperation Committee shall be made by common agreement between the Parties.

The Cooperation Committee may take decisions or make recommendations by written procedure if both Parties so agree. When the Cooperation Committee decides to have recourse to the written procedure, a deadline may be foreseen by mutual agreement of the Parties, at the end of which the Chairman of the Cooperation Committee can declare, upon a report from the two Secretaries, whether a common agreement of the Parties is given.

The decisions and recommendations of the Cooperation Committee shall be signed by the Chair and authenticated by the two Secretaries and shall be forwarded to the addressees referred to in Article 4 of these Rules of Procedure. Each Party may decide on the publication of the decisions and recommendations of this Cooperation Committee in its respective official publication.

*Article 9***Expenses**

The European Union and Iraq shall each defray the expenses they incur by reason of their participation in the meetings of the Cooperation Committee, both with regard to staff, travel and subsistence expenditure and to postal and telecommunications expenditure. Expenditure in connection with interpreting at meetings, translation and reproduction of documents shall be borne by the European Union, with the exception of expenditure in connection with interpreting or translation into or from the official language of Iraq, which shall be borne by Iraq. Other expenditure relating to the organisation of meetings shall be borne by the Party hosting the meetings.

*Article 10***Subcommittees and specialised working groups**

In accordance with Article 13 of the Rules of Procedure of the Cooperation Council, the Cooperation Committee may decide to create subcommittees or specialised working groups to work under the authority of the Cooperation Committee, to which they shall report after each of their meetings. The Cooperation Committee may decide to abolish any existing subcommittees or working groups, define or amend their terms of reference or set up further subcommittees or working groups to assist it in carrying out its duties. These subcommittees and working groups shall not have any decision-making power.
