EUROPEAN
COMMISSION

Brussels, 25.9.2017
COM(2017) 549 final

Recommendation for a

COUNCIL DECISION

approving the conclusion by the Commission, on behalf of the European Atomic Energy Community, of 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 Armenia, of the other part

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

This proposal has been drawn up with a view to the envisaged signing, provisional application and conclusion of 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 (hereinafter referred to as 'Agreement'). It is designed to enable the Council to approve the conclusion of that Agreement by the Commission on behalf of the European Atomic Energy Community (EAEC).

Since the EAEC is also a Party to the Comprehensive and Enhanced Partnership Agreement between the European Union and its Member States, of the one part, and Armenia, of the other part, the Commission is making a separate recommendation that the Council approve the conclusion by the Commission of the parts of the Agreement which fall under the Treaty establishing the (EAEC).

The procedure for the signature and conclusion of international agreements by the EAEC differs from that applicable to the EU. In particular, Article 101 of the EAEC Treaty stipulates that such agreements must be concluded by the Commission with the Council's approval. It is thus necessary for the Council to adopt two separate Decisions on the signature and conclusion of the Agreement, one applicable to the EU, the other applicable to the EAEC.

As regards the conclusion of the Agreement on behalf of the EAEC, the Commission recommends that the Council give its approval, pursuant to the second paragraph of Article 101 of the Treaty.

Once the Council has given its approval and the Commission has taken the appropriate decision, the Commission will be able to sign and conclude the Agreement on behalf of the EAEC.

2. LEGAL ASPECTS OF THE PROPOSAL

The Commission recommends that the Council approve, pursuant to the second paragraph of Article 101 of the EAEC Treaty, the conclusion of the Comprehensive and Enhanced Partnership Agreement between the European Union and the European Atomic Energy Community and its Member States, of the one part, and Armenia, of the other part, as regards matters falling within the remit of the EAEC.

The attached proposal constitutes, together with the Commission decision on conclusion, the legal instrument for concluding the Comprehensive and Enhanced Partnership Agreement on behalf of the EAEC.

Article 102 of the Euratom Treaty states that an Agreement may not enter into force for the EAEC until the Commission has been notified by the Member States that the agreement has become applicable in accordance with the provisions of their respective national laws.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular the second paragraph of Article 101 thereof,

Having regard to the recommendation from the Commission,

Whereas:

(1) On 29 September 2015, the Council adopted Decisions authorising the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy to negotiate a Framework Agreement between the European Union and Armenia.

(2) Negotiation of the Agreement began on 7 December 2015 and the European Union and Armenia initialled the Agreement on 21 March 2017.

(3) The Commission proposes to the Council that the Agreement should be signed on behalf of the Union and applied on a provisional basis in accordance with Article 385 of the Agreement, pending its conclusion at a later date.

(4) The Agreement also covers matters falling under Euratom competences, namely Articles 42-44.

(5) The signature and conclusion of the Agreement are subject to a separate procedure as regards matters falling under the Treaty on European Union and the Treaty on the Functioning of the European Union.

(6) The Agreement should therefore also be concluded on behalf of the European Atomic Energy Community, as regards matters falling under the Euratom Treaty.

(7) Article 102 of the Euratom Treaty states that the Agreement may not enter into force for the European Atomic Energy Community until the European Commission has been notified by the Member States that such agreement has become applicable in accordance with the provisions of their respective national laws.

(8) The conclusion of the Agreement by the European Commission, acting on behalf of the European Atomic Energy Community, should be approved.

HAS ADOPTED THIS DECISION:

Article 1

The conclusion by the European Commission, on behalf of the European Atomic Energy Community, of 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 Armenia, of the other part, is hereby approved, including its provisional application.

Article 2

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

Done at Brussels,

For the Council
The President