EU/Kazakhstan Enhanced Partnership and Cooperation Agreement

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PURPOSE: to conclude the Enhanced Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Kazakhstan, of the other part.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: the Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: relations between the European Union (EU) and Kazakhstan are currently based on the Partnership and Cooperation Agreement signed in Brussels on 23 January 1995, which entered into force in June 1999.

On 13 April 2011, the Council adopted a Decision authorising the European Commission to negotiate the Enhanced Partnership and Cooperation Agreement between the European Union and Kazakhstan. Negotiation of the Agreement began in June 2011.

The Agreement between the parties was signed on 21 December 2015, subject to its conclusion at a later date.

For the EU, the Agreement constitutes an important step towards **increased political and economic involvement in Central Asia**. By strengthening political dialogue and improving cooperation in a broad range of areas, it will provide the basis for more effective bilateral engagement with Kazakhstan.

Legal nature: the Agreement was negotiated and initialled by the European Union and the Republic of Kazakhstan as the Union's Agreement only. As the European Union's Member States were unanimous in preferring a **mixed Agreement**, it was agreed to amend the initialled text of the Agreement and the Joint Proposal from the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission for a Council Decision on the signing and provisional application of the Agreement accordingly.

In response to this measure, the **European Commission** made the following statement: ‘Given the political and economic relevance of the Enhanced Partnership and Cooperation Agreement (EPCA) with Kazakhstan, the Commission stresses the importance of signing and ratifying it swiftly. The Commission reiterates its position that a "mixed" agreement is legally unnecessary in the present case and that all matters covered by the agreement fall within the EU's competence. The Commission therefore regrets that the Member States insist on signing and ratifying the EPCA with Kazakhstan as a "mixed" agreement. The Commission reserves its position as to the future presentation of acts linked to the legal nature of an international agreement.’

Following the adoption of the Council Decision on the signing, on behalf of the European Union, and provisional application of the Agreement, the Agreement was signed by the European Union and the Republic of Kazakhstan as a **mixed Agreement**.

CONTENT: the High Representative of the EU for Foreign Affairs and Security Policy and the European Commission jointly proposed that the Council adopt a Council Decision approving, on behalf of the

European Union, the Enhanced Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and Kazakhstan, of the other part.

The text of the Agreement is attached to this Decision.

The Agreement is based on three key points:

– Political dialogue and cooperation in the field of foreign and security policy: provisions are provided to set the political dialogue with this country as well as cooperation in the field of foreign and security policy. The Agreement includes the EU's standard political clauses on human rights, the international criminal courts, weapons of mass destruction, small arms and light weapons and counterterrorism.

Provisions are also laid down as regards:

- democracy and the rule of law,
- foreign and security policy,
- space security,
- serious crimes of international concern,
- conflict prevention and crisis management and counter-terrorism.

- Trade and business: a specific title is provided for:

- trade in goods,
- customs,
- technical barriers to trade,
- sanitary and phytosanitary matters,
- services and establishment,
- capital movement and payments,
- intellectual property,
- government procurement,
- raw materials and energy,
- trade and sustainable development,
- competition and trade dispute settlement.

The Agreement contains a substantive trade section with important commitments in several trade policy areas. These will ensure a better regulatory environment for businesses in Kazakhstan, and thus bring substantial economic benefits for EU businesses.

- Sectoral cooperation: a series of provisions on cooperation are provided in a wide range of areas:

- economic and sustainable development;
- freedom, security and justice;
- financial and technical cooperation;
- other types of cooperation include such as migration, the environment, taxation, transport, education, the information society, agriculture and rural development.

- Institutional framework: the Agreement sets up an institutional framework comprising the Cooperation Council, the Cooperation Committee and the Parliamentary Cooperation Committee. It also introduces a procedure for settling disputes, to be used should one of the parties fail to fulfil its obligations under the Agreement.

Duration of the Agreement: the Agreement is concluded for an **unlimited period**, and can be terminated at six months' notice. As of its entry into force, the Agreement supersedes the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Kazakhstan, of the other part, signed on 23 January 1995.