Basic information

2012/0028(NLE) NLE - Non-legislative enactments Decision	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** Australia Bangladesh Brunei Burma Cambodia Canada China France India Indonesia Japan Laos Malaysia Mongolia New Zealand North Korea Pakistan Papua New Guinea Philippines Russian Federation Singapore South Korea Sri Lanka Thailand Timor-Leste Türkiye United States Vietnam	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
AFET Foreign Affairs	BROK Elmar (PPE)	21/03/2012

Committee for opinion	Rapporteur for opinion	Appointed

DEVE Development	The committee decided not to give an opinion.	
INTA International Trade	The committee decided not to give an opinion.	
EMPL 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	Meetings	Date
Justice and Home Affairs (JHA)	3162	2012-04-26

European Commission

Commission DG	Commissioner
European External Action Service	ASHTON Catherine

Key events

Date	Event	Reference	Summary
16/02/2012	Preparatory document	JOIN(2012)0001	Summary
20/03/2012	Legislative proposal published	07434/2012	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	A7-0139/2012	Summary
18/04/2012	Decision by Parliament	T7-0122/2012	Summary
18/04/2012	Results of vote in Parliament		
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 European Union TEU 31-p1 Treaty on European Union TEU 37 Treaty on the Functioning of the European Union TFEU 218-p8-a2 Treaty on the Functioning of the European Union TFEU 218-p6 Treaty on the Functioning of the European Union TFEU 209-p1 Treaty on the Functioning of the European Union TFEU 212
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	AFET/7/09203

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE486.149	28/03/2012	
Committee report tabled for plenary, 1st reading/single reading		A7-0139/2012	16/04/2012	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0122/2012	18/04/2012	Summary

Council of the EU

Document type	Reference	Date	Summary
Legislative proposal	07434/2012	20/03/2012	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
ECHR	Preparatory document	JOIN(2012)0001	16/02/2012	Summary

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Decision 2012/0308
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

2012/0028(NLE) - 20/03/2012 - Legislative proposal

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 polity.

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

2012/0028(NLE) - 16/02/2012 - Preparatory document

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 Union’s 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 Union's and the European Community's 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 coersion; (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

2012/0028(NLE) - 16/04/2012 - Committee report tabled for plenary, 1st reading/single reading

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

2012/0028(NLE) - 18/04/2012 - Text adopted by Parliament, 1st reading/single reading

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

2012/0028(NLE) - 26/04/2012 - Final act

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 Union's 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 Union's and the European Community's 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 coersion; (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.

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

2012/0028(NLE) - 26/04/2012 - Corrigendum to final act

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 2nd 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 People’s 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 3rd recital** is deleted;
- **the 4th 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.”