Council Decision (EU) 2018/1714 of 6 November 2018 on the position to be taken on behalf of the European Union within the Joint Committee established by the Framework Agreement between the European Union and its Member States, of the one part, and Australia, of the other part, as regards the adoption of the rules of procedure of the Joint Committee and the adoption of the terms of reference of its sub-committees and working groups

COUNCIL DECISION (EU) 2018/1714

of 6 November 2018

on the position to be taken on behalf of the European Union within the Joint Committee established by the Framework Agreement between the European Union and its Member States, of the one part, and Australia, of the other part, as regards the adoption of the rules of procedure of the Joint Committee and the adoption of the terms of reference of its sub-committees and working groups

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 212(1), in conjunction with Article 218(9), thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The Framework Agreement between the European Union and its Member States, of the one part, and Australia, of the other part[(1)] (the 'Agreement') was signed in Manila on 7 August 2017 and it has been provisionally applied in part as of 4 October 2018.

(2) Article 56(1) of the Agreement establishes a Joint Committee, whose tasks include inter alia promoting the effective implementation of the Agreement.

(3) Article 56(4) of the Agreement provides that the Joint Committee is to adopt its rules of procedure and that it may set up sub-committees and working groups to deal with specific issues.

(4) The rules of procedure of the Joint Committee and the terms of reference of its sub-committees and working groups should be adopted as soon as possible, in order to ensure the effective implementation of the Agreement.

(5) The position of the Union within the Joint Committee as regards the adoption of the rules of procedure of the Joint Committee and the adoption of the terms of reference of its sub-committees and working groups should therefore be based on the attached draft Decisions of the Joint Committee,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf in the first meeting of the Joint Committee established pursuant to Article 56 of the Framework Agreement between

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (EU) 2018/1714. (See end of Document for details)*

the European Union and its Member States, of the one part, and Australia, of the other part, as regards the adoption of the rules of procedure of the Joint Committee and the adoption of the terms of reference of its sub-committees and working groups shall be based on the draft Decisions of the Joint Committee attached to this Decision.

Article 2

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

Done at Brussels, 6 November 2018.

For the Council

The President

H. LÖGER

***Changes to legislation:** There are currently no known outstanding effects for the Council Decision (EU) 2018/1714. (See end of Document for details)*

ANNEX

RULES OF PROCEDURE OF THE JOINT COMMITTEE

Article 1

Tasks and composition

1 The Joint Committee will perform the tasks provided for in Article 56 of the Agreement.

2 The Joint Committee will be composed of representatives of the Parties at the appropriate level.

Article 2

Chair

The Joint Committee will be co-chaired by the Parties.

Article 3

Meetings

1 The Joint Committee will meet once a year, unless otherwise decided by the Parties. The meetings will be convened by the co-chairs and held alternately in Brussels and Canberra, on a date fixed by mutual decision. Extraordinary meetings of the Joint Committee may be held at the request of either Party, if the Parties so mutually decide.

2 The Joint Committee will normally meet at the level of senior official but may meet at ministerial level.

Article 4

Publicity

Unless the Parties decide otherwise, meetings of the Joint Committee will not be public.

Article 5

Participants of the meetings

1 Before each meeting, the co-chairs will be informed, through the secretaries, of the intended composition of their Party's delegation.

2 Where appropriate and with the approval of the Parties, experts or representatives of other bodies may be invited to attend Joint Committee meetings as observers or in order to provide information on a particular subject.

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (EU) 2018/1714. (See end of Document for details)*

Article 6

Secretaries

A representative of the European External Action Service and a representative of the Department of Foreign Affairs and Trade of Australia will act jointly as secretaries of the Joint Committee. All communications to and from the co-chairs will be forwarded to the secretaries.

Article 7

Agendas for meetings

1 The co-chairs will draw up a provisional agenda for each meeting. It will be forwarded, together with the relevant documents, to the other Party no later than 15 days before the meeting.

2 The provisional agenda will include items submitted to the co-chairs no later than 21 days before the meeting.

3 The final agenda will be adopted by the Joint Committee at the beginning of each meeting. Items other than those on the provisional agenda may be placed on the agenda if the Parties so mutually decide.

4 With the approval of the Parties, the co-chairs may shorten the time-limits referred to in Article 7(1) and (2), where required.

Article 8

Minutes

1 The secretaries will jointly produce draft minutes of each meeting, within 30 calendar days of the end of the meeting. The draft minutes will be based on a summary by the co-chairs of the conclusions reached by the Joint Committee.

2 The draft minutes will be approved by the Parties within 45 calendar days of the end of the meeting or by any other date jointly approved by the Parties. Once there is mutual consent on the draft minutes, two original copies will be signed by the co-chairs and the secretaries. Each Party will receive one original copy.

Article 9

Decisions and recommendations

1 The Joint Committee may adopt its decisions or recommendations by consensus of the Parties, in accordance with Article 6(4) of the Agreement.

2 The Joint Committee may decide to adopt decisions or recommendations by means of a written procedure. In such cases, the Parties will mutually decide upon a time-limit for the duration of the procedure. If at the expiry of that time-limit, no Party has expressed opposition to the proposed decision or recommendation, the co-chairs will declare the decision or recommendation to have been adopted by mutual consent.

***Changes to legislation:** There are currently no known outstanding effects for the Council Decision (EU) 2018/1714. (See end of Document for details)*

3 Decisions and recommendations of the Joint Committe will be entitled ‘Decision’ or ‘Recommendation’, followed by a serial number, the date of their adoption and a description of the subject matter. Each decision will state the date of its entry into force.

4 Decisions and recommendations adopted by the Joint Committee will be drawn up in duplicate and signed by the co-chairs.

5 Each Party may decide to publish the Joint Committee's decisions and recommendations in its respective official publication.

Article 10

Correspondence

1 Correspondence addressed to the Joint Committee will be directed to the secretary of the Party to which the author belongs, who will in turn inform the other secretary.

2 The secretaries will ensure that correspondence addressed to the Joint Committee is forwarded to the co-chairs and circulated, where appropriate, in accordance with Article 11.

3 Correspondence from the co-chairs will be sent to the Parties by the secretaries and circulated, where appropriate, in accordance with Article 11.

4 Correspondence to and from the co-chairs may be by any written means, including by electronic mail.

Article 11

Documents

Where the deliberations of the Joint Committee are based on documents, those documents will be numbered and circulated by the secretaries to the participants of the meetings.

Article 12

Expenses

1 Each Party will meet any expenses it incurs as a result of participating in the meetings of the Joint Committee with regard to staff, travel, and subsistence expenditure, as well as postal and telecommunications expenditure.

2 Expenditure in connection with the organisation of meetings and the reproduction of documents will be borne by the Party hosting the meeting.

Article 13

Amendments to the rules of procedure

The Parties may mutually decide to amend the rules of procedure, in accordance with Article 9.