

EXPLANATORY MEMORANDUM TO
THE EUROPEAN UNION (DEFINITION OF TREATIES)
(REPUBLIC OF KOREA FRAMEWORK AGREEMENT) ORDER 2012

2012 No. 358

1. This explanatory memorandum has been prepared by the Foreign and Commonwealth Office and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

2.1 This Order would declare the Framework Agreement between the European Union and its Member States and the Republic of Korea, signed on 10 May 2010 to be an EU Treaty as defined in section 1 (2) of the European Communities Act 1972.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 This Order is made under section 1(3) of the European Communities Act 1972 (as amended by the European Union (Amendment) Act 2008 to take account of the Lisbon Treaty).

5. Territorial Extent and Application

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

The Minister of State for Europe, David Lidington MP, has made the following statement regarding Human Rights:

In my view the provisions of the European Union (Definition of Treaties)(Republic of Korea Framework Agreement) Order 2012 are compatible with the Convention rights.

7. Policy background

- *What is being done and why*

7.1 This Order declares the Framework Agreement between the European Community and its Member States and the Republic of Korea, signed in Brussels on 10 May 2010 to be an EU Treaty as defined in section 1(2) of the European Communities Act 1972.

7.2 The Agreement provides a framework aiming to consolidate and strengthen the European Union's and its Member States' cooperation in the field of Justice, Freedom and Security (e.g. combating organised crime and corruption, drugs and money laundering, migration, protection of personal data) as well as on good governance, and taxation. The Agreement will allow for further engagement between the Parties in global issues such as climate change; security of energy supply; approaches to labour issues; education and other issues relating to structural change in the world economy; proliferation of weapons of mass destruction; counter terrorism; and a shared understanding on the need to prosecute the most serious crimes of concern to the international community.

7.3 The United Kingdom, along with each other Member State (of the European Union) must complete its internal constitutional and legal procedures required to implement the Agreement in order to enable it to enter into force.

- **Consolidation**

7.3 Not applicable.

8. Consultation outcome

8.1 Not applicable.

9. Guidance

9.1 Not applicable.

10. Impact

10.1 Direct impact on business, charities or voluntary bodies is negligible.

10.2 The impact on the public sector is negligible.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 A regulatory Impact Assessment has not been produced as there is no impact on small businesses.

12. Monitoring & review

12.1 Monitoring and review mechanisms are not applicable.

13. Contact

Gerry Regan, Legal Advisers; Alan Beckwith, Treaty Section; and Ankur Narayan, APD at the Foreign and Commonwealth Office, can answer any queries regarding the instrument.