

EXPLANATORY MEMORANDUM TO

THE EUROPEAN UNION (DEFINITION OF TREATIES) (COMPREHENSIVE AND ENHANCED PARTNERSHIP AGREEMENT) (ARMENIA) ORDER 2018

2018 No. 1063

1. Introduction

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

2. Purpose of the instrument

- 2.1 This Order declares 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, signed at Brussels on 24th November 2017 (“the Agreement”) to be an EU Treaty as defined in section 1(2) of the European Communities Act 1972 which allows for a simplified implementation process using the powers under that Act.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

Other matters of interest to the House of Commons

- 3.2 Disregarding minor or consequential changes, the territorial application of this instrument includes Scotland and Northern Ireland.

4. Legislative Context

- 4.1 The parties to the Agreement must each ratify or approve the Agreement in accordance with their internal procedures before the Agreement can enter into force. The United Kingdom must be in a position to implement all of its obligations, including its EU obligations, in respect of the Agreement before ratifying the Agreement. Declaring the Agreement to be an EU Treaty is a necessary step in ensuring that the UK is able to implement its obligations in respect of the Agreement. So far two EU member states have ratified the Agreement. We anticipate that the UK will be able to ratify the Agreement shortly after the completion of this process.

5. Extent and Territorial Application

- 5.1 The extent of this instrument is the United Kingdom.
5.2 The territorial application of this instrument is the United Kingdom.

6. European Convention on Human Rights

- 6.1 The Minister of State for Europe and the Americas, Sir Alan Duncan MP, has made the following statement regarding Human Rights:

“In my view the provisions of the European Union (Definition of Treaties) (Comprehensive and Enhanced Partnership Agreement) (Armenia) Order 2018 are compatible with the Convention rights.”

7. Policy background

What is being done and why

- 7.1 The Order declares that the Agreement is to be regarded as one of the EU Treaties under the European Communities Act 1972. One of the effects of this is that certain rights and obligations under the Agreement automatically become law in the United Kingdom. Subordinate legislation can be made to give effect to the provisions of the Agreement, although we do not consider this will be necessary for this Agreement.
- 7.2 The Agreement strengthens and replaces the existing Partnership and Cooperation Agreement, providing a strong foundation for future political and economic cooperation. The Agreement will enhance dialogue with Armenia on domestic reform, human rights, trade and all other areas of mutual interest, including conflict prevention, fighting organised crime and counter-proliferation of weapons of mass destruction, and their means of delivery. The Agreement also lays the foundation for greater cooperation in domestic reform, transport, energy, environment, climate change and economic policy. These areas of cooperation are closely aligned with UK policy priorities for Armenia. In 2017, the UK appointed a Prime Ministerial Trade Envoy to Armenia to boost bilateral trade, and from 2018 Armenia will be included in the Good Governance Fund; the Government’s fund for supporting economic reform and good governance initiatives in Europe’s Eastern neighbourhood. Both of these initiatives will benefit from the trade and governance reform provisions contained in the Agreement.
- 7.3 Until exit negotiations are concluded, the UK remains a full member of the European Union and all the rights and obligations of EU membership remain in force. During this period the Government will also continue to negotiate, implement and apply EU legislation and third country agreements. Although the UK is leaving the EU, the Government would not wish the UK’s exit to delay ratification of agreements which are important to our EU partners and to the third countries in question.

Consolidation

- 7.4 This Order does not amend another instrument and therefore consolidation is not relevant.

8. Consultation outcome

- 8.1 As this Order enables the fulfilment of an EU obligation, no public consultation has been carried out.

9. Guidance

- 9.1 No guidance will be published as the Agreement governs high-level commitments between state parties.

10. Impact

- 10.1 The 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 as the Agreement governs high-level commitments between state parties.

11. Regulating small business

11.1 The legislation does not apply to activities that are undertaken by small businesses.

12. Monitoring & review

12.1 No specific monitoring or review of this Order is planned. However, the Agreement to which the Order relates provides for the establishment of a Partnership Council which will supervise and regularly review the application and implementation of the Agreement and examine any major issues arising within the framework of the Agreement.

13. Contact

13.1 William Calladine at the Foreign and Commonwealth Office (Telephone: 020 7008 2420 or email: william.calladine3@fco.gov.uk) or Andrew Bizley (Telephone: 020 7008 7649 or email: andrew.bizley@fco.gov.uk) can answer any queries regarding this instrument.