

**EXPLANATORY MEMORANDUM ON THE FRAMEWORK AGREEMENT
ON PARTNERSHIP AND COOPERATION BETWEEN THE EUROPEAN
UNION AND ITS MEMBER STATES, OF THE ONE PART, AND
MONGOLIA, OF THE OTHER PART**

Title of Treaty

Framework Agreement on Partnership and Cooperation between the European Union and its Member States, of the one part, and Mongolia, of the other part

Command Paper Number: 8725

Subject Matter

The document covered by this Explanatory Memorandum is a Partnership and Cooperation Agreement (PCA) between the European Union and its Member States and Mongolia. The Agreement provides a legal framework for further engagement and co-operation between the EU and Mongolia across a broad range of areas, including political dialogue, trade, energy, transport, investment, human rights, education, science and technology, justice, asylum and migration.

The agreement was signed in Ulaanbaatar on 30 April 2013, by the High Representative of the European Union for Foreign Affairs and Security Policy Baroness Ashton and the Foreign Minister of Mongolia, Luvsanvandan Bold. The agreement was signed on the UK's behalf on 20 January 2012.

The Agreement is a mixed competence agreement and must therefore be ratified by all Member States as well as by the European Union itself.

Ministerial Responsibility

The Secretary of State for Foreign and Commonwealth Affairs is the Minister with overall responsibility for UK policy on the EU's Common Foreign and Security Policy. The Secretary of State for Business also has an interest.

Policy Implications

General

Closer EU engagement with Mongolia is in the UK's interest: it allows us to focus EU resources and influence to help to deliver UK objectives. These include: supporting British business, in particular those companies offering services to Mongolia's fast-growing extractive sector; encouraging Mongolia to support UK foreign policy objectives in the UN and other international fora, including our policy towards the DPRK; maintaining Mongolian engagement in, and support of, peacekeeping operations, including in Afghanistan; working with NGOs and government agencies to combat corruption and embed democratic practice, good governance and respect for human rights; and encouraging moves towards lowering carbon emissions.

The PCA establishes cooperation on market access, in particular through the timely removal of non-tariff barriers and restrictions to trade and through measures to improve transparency. It also covers areas such as development, environment, energy, science and technology, justice and home affairs, and transport. It also includes provisions for the protection of the EU's financial interests, which is of particular interest to the UK, as UK firms have scored some recent commercial successes there.

Financial

The Agreement does not commit the UK to any expenditure beyond its existing contributions to EU budgets.

Reservations and Declarations

None.

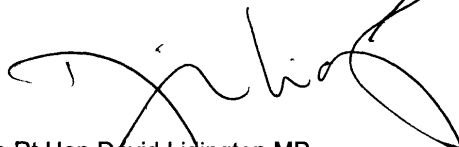
Implementation

The Agreement will enter into force on the first day of the month following the date on which the Parties notify each other of the completion of the procedures necessary for that purpose. No new legislation is required to enable the United Kingdom to implement the Agreement. The United Kingdom will, however, need to specify the Agreement as an EU Treaty under section 1(3) of the European Communities Act 1972, which will require an Order in Council. The OIOO rule has been considered as part of the process of concluding the Treaty, but is not applicable.

Application to Gibraltar: The Agreement will be extended to Gibraltar once Gibraltar has confirmed that any domestic legislation required to implement the provisions is in place.

Consultation

The relevant Whitehall departments were consulted during negotiations on the text of the Agreement, and gave their approval to the final draft.



The Rt Hon David Lidington MP
Minister for Europe
Foreign and Commonwealth Office