

# **EXPLANATORY MEMORANDUM ON THE STRATEGIC PARTNERSHIP AGREEMENT BETWEEN THE EUROPEAN UNION AND ITS MEMBER STATES, OF THE ONE PART, AND CANADA, OF THE OTHER PART**

## **TITLE OF TREATY**

**Strategic Partnership Agreement between the European Union and its Member States, of the one part, and Canada, of the other part**

Command Paper Number: 9586

## **SUBJECT MATTER**

1. This Explanatory Memorandum and Command Paper covers a Strategic Partnership Agreement (SPA) between the European Union and its Member States and Canada. The SPA was signed on 30 October 2016 and has been provisionally applied since 1 April 2017.
2. The SPA is a mixed framework political agreement, which the EEAS and Canada have been negotiating since 2011, to update the 1976 framework agreement between the then European Communities and Canada. Since then, the two sides have issued a number of political declarations and statements, including the 1990 Declaration on Transatlantic Relations between the then EC, its Member States and Canada; the 1996 Canada-EU Joint Political Declaration and Action Plan; the 2004 EU-Canada Partnership Agenda; and the 2005 Agreement between the EU and Canada establishing a framework for the participation of Canada in the European Union crisis management operations.
3. The 1976 Agreement is the only precursor framework agreement between the two sides, and it addressed the commercial relationship. The SPA is the first comprehensive political agreement between the EU, its Member States and Canada. It has been negotiated alongside the EU-Canada Comprehensive Economic and Trade Agreement (CETA).
4. The Government has decided to ratify this Agreement to fulfil our duty of sincere cooperation and commitment to ratify EU Third Country Agreements prior to our departure from the European Union. The SPA also contains termination and cessation clauses which reference the CETA Agreement. The House of Commons European Scrutiny Committee cleared the documents as “legally and politically important” on 12 October 2016 (ESC 36787, 13th Report, Session 2016/17). The House of Lords Select Committee on the European Union cleared the documents on 25 February 2016 after referral to Sub-Committee C.
5. The aim of the SPA is twofold: (i) to enhance EU-Canada political ties and cooperation on foreign policy and security issues and (ii) to upgrade their cooperation in a large number of policy areas going beyond trade and economics. As a framework political agreement the SPA covers a wide range of policy areas including upholding and advancing democratic principles, human rights and fundamental freedoms (Title II); international peace and security and effective multilateralism (Title III); economic and sustainable development (Title IV), and justice, freedom and security (Title V).

## **MINISTERIAL RESPONSIBILITY**

6. 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. Given the broad content of the SPA the Secretaries of State at BIS, Home Office, DECC, DEFRA, HMRC, HM Treasury, Ministry of Justice, Departments of Transport, Health, Work and Pensions have an interest.

## **POLICY CONSIDERATIONS**

7. The ratification of the SPA alongside CETA is key to strengthening the EU's and Member States' relationships with Canada. Canada is a key bilateral partner for the UK. The SPA will bring up to date the formal framework between the EU and its Member States and Canada. The SPA will broaden EU-Canada engagement, dialogue and cooperation with Canada on a number of bilateral issues to include Member States as a result. The UK has a strong and longstanding bilateral relationship with Canada.

## **FINANCIAL IMPLICATIONS**

8. None.

## **RESERVATIONS AND DECLARATIONS**

9. None.

## **IMPLEMENTATION**

10. The SPA will enter into force on the first day of the month following the date of the last notification on which the Parties notify each other of the completion of the procedures necessary for that purpose.
11. As a mixed agreement, the SPA will require specification as an EU Treaty in accordance with Section 1(3) of the European Communities Act 1972. The OITO rule has been considered as part of the process of concluding the Treaty, but is not applicable.

## **CONSULTATIONS**

12. The relevant Whitehall departments were consulted.



Rt Hon Sir Alan Duncan MP  
Minister for Europe and the Americas  
Foreign and Commonwealth Office