

EXPLANATORY MEMORANDUM ON THE FRAMEWORK AGREEMENT BETWEEN THE EUROPEAN UNION AND ITS MEMBER STATES, OF THE ONE PART, AND AUSTRALIA, OF THE OTHER PART

TITLE OF TREATY

FRAMEWORK AGREEMENT BETWEEN THE EUROPEAN UNION AND ITS MEMBER STATES, OF THE ONE PART, AND AUSTRALIA, OF THE OTHER PART

Command Paper Number: 9584

SUBJECT MATTER

1. This Explanatory Memorandum and Command Paper covers a Framework Agreement (FA) between the European Union and its Member States and Australia. The FA was originally signed on 7 August 2017 but has yet to enter into force.
2. The EU-Australia FA is a mixed agreement. It will come into force once ratified by Australia and the EU. Ratification by all EU Member States and the consent European Parliament is a prerequisite to EU ratification. Two (2) EU Member States have already ratified the FA.
3. The Government has decided to ratify this Agreement under our duty of sincere co-operation and to show our strong support for the growing relationship between Australia and the EU. It is unlikely the Agreement will have been concluded by the time the UK leaves the EU.

NATURE OF THE AGREEMENT

4. The Agreement will provide a framework to consolidate and strengthen cooperation between the European Union and its Member States and Australia in a range of sectors of mutual interest. These include: promoting democratic principles and respect for human rights; countering the proliferation of weapons of mass destruction; combating illicit trade of small arms and light weapons; taking measures against the most serious crimes of concern to the international community; and combating terrorism.
5. The Agreement also allows for further cooperation on economic and trade matters, including dialogues on economic, trade and investment-related areas, agricultural trade, sanitary and phytosanitary issues and other sectoral issues. The Agreement equally includes cooperation in a broad range of policy areas such as health, the environment, climate change, energy, education, culture, labour, disaster management, fisheries and maritime affairs, transport, legal cooperation, money laundering and terrorist financing, organised crime and corruption.

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 Agreement the Secretaries of State for Exiting the European Union, International Trade, Home Office, HMT, BEIS, Ministry of Justice, the Departments for Transport, Education, International Development, Health, Environment, Food and Rural Affairs will also have an interest.

POLICY CONSIDERATIONS

7. Australia is a likeminded partner of the UK in foreign and security policy. The FA is a precursor to an EU – Australia Free Trade Agreement (FTA) which the UK will continue to support, alongside the EU's wider free trade agenda, while the UK remains a member of the EU.
8. EU-Australia Free Trade Agreement negotiations are expected to start later this year. The scoping studies have been completed, but the EU draft negotiating mandate has not yet been agreed. Conclusion is not expected before we exit the EU.

FINANCIAL IMPLICATIONS

9. None.

RESERVATIONS AND DECLARATIONS

10. None.

IMPLEMENTATION

11. The Agreement will enter into force thirty days after the date on which the Parties have notified each other of the completion of the legal procedures necessary for that purpose.
12. As a mixed agreement it will require specification as an EU Treaty in accordance with Section 1(3) of the European Communities Act 1972. The provisions of the FA will not require primary or secondary legislation.

CONSULTATIONS

13. The relevant Whitehall departments were consulted.



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Foreign and Commonwealth Office