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COMMISSION

HIGH REPRESENTATIVE
OF THE UNION FOR
FOREIGN AFFAIRS AND
SECURITY POLICY

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2018/0120 (NLE)

Joint Proposal for a

COUNCIL DECISION

on the Union position within the Association Council set up by the Euro-Mediterranean Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Tunisia, of the other part, with regard to the adoption of the document: ‘Strengthening the EU-Tunisia privileged partnership: strategic priorities for the period 2018-2020’.

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

The revised European Neighbourhood Policy (ENP)¹, adopted in November 2015, establishes a new framework for bilateral relations with partner countries. In the case of Tunisia, this new approach is reflected in the document *Strengthening the EU-Tunisia privileged partnership: strategic priorities for the period 2018-2020*, which is a key point of reference for agreeing a limited number of targeted policy priorities for the period 2018-2020.

The consultations with the Republic of Tunisia started in October 2017. This approach is in line with the new global strategy of the European Union's Foreign and Security Policy², presented in June 2016 by the High Representative.

The EU and Tunisia agreed to work together to prepare a document setting out the 'strategic priorities' for strengthening the privileged partnership. This partnership reflects the uniqueness and dynamism of bilateral relations between Tunisia and the EU. These strategic priorities are intended to reaffirm this uniqueness and reflect the shared ambition to strengthen bilateral relations in all areas and to advance towards securing increasingly close links between Tunisia and the European area. The priorities are based on Tunisia's 2016-2020 five-year development plan and the Joint Communication from the High Representative and the Commission *Strengthening EU support for Tunisia* of 29 September 2016. This document will also constitute a reference to be taken into account for implementing the programming of EU financial cooperation, the EU Single Support Framework for Tunisia having been adopted by the Commission on 18 August 2017 (C(2017) 5637 (1)).

The 'strategic priorities' translate the privileged partnership in practical terms for the years 2018-2020 and are milestones in the development of an ambitious model for future EU-Tunisia relations post-2020. The creation of future prospects for young people is at the core of these priorities. The document focuses on speeding up socio-economic reforms, inter alia by improving the business environment and concluding a deep and comprehensive free trade agreement (DCFTA). Democratic transition and good governance constitute the other key pillar in the implementation of the EU-Tunisia Association Agreement. Both sides also make a commitment to intensifying their cooperation in the coming years in the field of security and counter-terrorism, and in relation to migration and mobility. Tunisia has made a strategic choice in anchoring itself to the EU and the development of a prosperous and stable democratic Tunisia is of mutual strategic interest for both partners.

The EU-Tunisia partnership is a key factor in the relationship – while youth is a cross-cutting issue.

The main strategic priorities adopted as regards EU-Tunisia relations for the years 2018-2020 are:

- (1) inclusive and sustainable socio-economic development;
- (2) democracy, good governance and human rights;

¹ Council Conclusions of 14 December 2015 on the Review of the European Neighbourhood Policy; Council press release No 926/15.

² 'Shared Vision, Common Action: A Stronger Europe; A Global Strategy for the European Union's Foreign and Security Policy'.

- (3) bringing peoples closer together, mobility and migration;
- (4) security and counter-terrorism.

- **Consistency with existing provisions in the policy area**

The EU-Tunisia strategic priorities represent the first bilateral framework agreed under the new ENP and are in line with the priorities and terms set out in the policy, namely the stabilisation of the neighbourhood in political, economic and security terms. They are also consistent with the EU-Tunisia Association Agreement, which entered into force on 1 March 1998.

- **Consistency with other Union policies**

The EU-Tunisia strategic priorities reflect the EU's long standing commitment to its Mediterranean partners. They are also in line with the EU global strategy, which advocates an integrated approach to addressing crises by means of coordinating EU policies in the areas of humanitarian aid, disaster risk management, development, migration, trade, investment, infrastructure, education, health and research. The document takes into account, in particular, the promotion of human rights and good governance, sustainable management of natural resources, the external dimension of EU migration policies, the increased focus on international cooperation to counter terrorism and violent extremism, and the potential of trade to generate fair growth and decent employment.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

This proposal is based on Article 218(9) of the Treaty of the Functioning of the European Union (TFEU). It is a joint proposal for an EU Council Decision on the Union position to be adopted within the Association Council set up by the Euro Mediterranean Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Tunisia, of the other part, with regard to the adoption of a recommendation on the strategic priorities of the EU-Tunisia privileged partnership.

The partnership priorities should be adopted at the EU-Tunisia Association Council meeting of 15 May 2018, following adoption by the EU Council, pursuant to Article 218(9) TFEU, of the position to be taken within the Association Council. Once adopted, the strategic priorities will guide the programming of financial cooperation provided by the EU under the European Neighbourhood Instrument.

- **Subsidiarity (for non-exclusive competence)**

As the strategic priorities concern relations between the EU and Tunisia, Member States cannot adopt them at national level.

- **Proportionality**

According to Article 218(9) of the TFEU, an EU Council position has to be adopted before the strategic priorities can be adopted by the Association Council.

- **Choice of the instrument**

The Council Conclusions of 14 December 2015 on the Review of the European Neighbourhood Policy³ confirmed the ‘Council’s intention to start a new phase of engagement with partners in 2016 which could lead to the setting of new partnership priorities, where appropriate, focused on agreed priorities and interests’.

To pursue this approach, political commitments are the most appropriate instrument. A new binding international agreement with Tunisia would have created a disproportionate procedural burden for the time span to be covered by the strategic priorities. On the other hand, a simple Memorandum of Understanding would not have provided a sufficiently substantive basis for the multiannual programming of assistance provided for in the ‘action plans or other equivalent jointly agreed documents’ referred to in Article 3(2) of the European Neighbourhood Instrument Regulation⁴.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Ex-post evaluations/fitness checks of existing legislation**

Not applicable.

- **Consultation of interested parties**

This text was drafted following close consultation with relevant Commission departments and with Member States' representatives in the Council Mashraq/Maghreb Working Party, as well as discussions with Tunisian counterparts.

In addition to regular consultations in Tunis on thematic priorities, consultations with civil society stakeholders were launched in March in Brussels and in Tunis. The main input received was the need to ensure continued EU support for the ongoing democratic transition process in Tunisia, the promotion of good governance and the rule of law, respect for human rights, and the strengthening of the role and participation of civil society in the process of political, economic and social development, through effective implementation of the Tunisian Constitution and international commitments undertaken by Tunisia. Civil society stakeholders also reiterated the importance of working with and for young Tunisians to promote access to employment. These points were all taken into consideration in the attached texts.

The consultations were held on the basis of the guidelines in the new European Neighbourhood Policy.

- **Collection and use of expertise**

The relevant thematic expertise was available internally, either in Brussels at the headquarters of the European institutions or in Tunis at the EU Delegation in Tunisia.

- **Impact assessment**

Not applicable.

³ Council Conclusions of 14 December 2015 on the Review of the European Neighbourhood Policy; Council press release No 926/15.

⁴ Regulation (EU) No 232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighbourhood Instrument (OJ L 77, 15.3.2014, p. 27).

- **Regulatory fitness and simplification**

Not applicable.

- **Fundamental rights**

No effect on fundamental rights in the European Union Member States.

Regarding fundamental rights in Tunisia, one of the strategic priorities is strengthening democracy, good governance and human rights in the country. The EU and Tunisia have established a regular and frank dialogue and close cooperation in the field of fundamental rights. Both sides will continue to intensify their cooperation in the coming years.

4. BUDGETARY IMPLICATIONS

No additional budgetary implications beyond what is provided for in previous international EU commitments. The budgetary implications are defined in the 2017-2020 European Neighbourhood Instrument (ENI) Single Support Framework.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

The implementation of the EU-Tunisia strategic priorities will be regularly monitored. Contact points will be designated by both sides in the relevant departments to ensure effective and mutually beneficial implementation of priorities. The meetings related to the bilateral co-operation between the EU and Tunisia under the Association Agreement will contribute to such monitoring, including at sector level.

6. REFERENCES

- (a) Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 'Review of the European Neighbourhood Policy' (JOIN(2015) 50 final of 18.11.2015). Common Position Paper of Arab ENP Countries presented at the Beirut Ministerial Conference on the review of the European Neighbourhood Policy (ENP) on 24 June 2015. Council Conclusions of 14 December 2015 on the Review of the European Neighbourhood Policy.
- (b) Regulation (EU) No 232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighbourhood Instrument (OJ L77; 15.3.2014).
- (c) Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part (OJ L 097, 30.3.1998).
- (d) Joint communication to the European Parliament and the Council, *Strengthening EU support for Tunisia* (JOIN(2016) 47 final of 29.9.2016); Council Conclusions of 17 October 2016 on Tunisia, Ref.: 13056/16.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 217 in conjunction with Article 218(9) thereof,

Having regard to the joint proposal of the High Representative of the Union for Foreign Affairs and Security Policy and of the European Commission,

Whereas:

- (1) The Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part, was signed on 17 July 1995 and entered into force on 1 March 1998⁵.
- (2) The Joint Communication by the High Representative of the Union for Foreign Affairs and Security Policy and by the European Commission of 18 November 2015 on the Review of the European Neighbourhood Policy⁶ was welcomed in the Council Conclusions of 14 December 2015. The Council confirmed in particular its intention to start a new phase of engagement with its partners in 2016 which could lead to the setting of new partnership priorities, where appropriate, focused on agreed priorities and interests.
- (3) The Joint Communication by the High Representative of the Union for Foreign Affairs and Security Policy and by the European Commission of 29 September 2016 on Strengthening EU support to Tunisia⁷ was welcomed in the Council Conclusions of 17 October 2016. The Council reiterates its commitment to supporting Tunisia’s transition and underlines the exceptional nature of the situation in Tunisia and the EU’s strategic interest in supporting the emergence of a democratic, strong and stable Tunisia in its neighbourhood, as well as the need to support political progress

⁵ Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part (OJ L...)

⁶ Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - *Review of the European Neighbourhood Policy* [JOIN(2015) 50 final].

⁷ Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - *Review of the European Neighbourhood Policy* [JOIN(2015) 50 final].

with economic progress on a similar scale. To this end, it calls for the mobilisation of all the instruments available to the EU and the reinforced commitment of the EU and Member States in close collaboration with the Tunisian authorities.

- (4) The EU and Tunisia have a responsibility to work together in order to achieve their common objective as defined under the strategic priorities. The development of a prosperous and stable democratic Tunisia is of mutual strategic interest.
- (5) While addressing the most urgent challenges, the EU and Tunisia continue to pursue the main objectives of their long-term partnership, and to work in particular towards creating future prospects for young people, speeding up socio-economic reforms and continuing and strengthening the process of transition to democracy.

HAS ADOPTED THIS DECISION:

Article 1

The Union position to be adopted within the Association Council set up by the Euro-Mediterranean Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Tunisia, of the other part, with regard to the adoption of the document: *Strengthening the EU-Tunisia privileged partnership: strategic priorities for the period 2018-2020* is based on the text annexed to this Decision.

Article 2

This Decision shall enter into force on the date of its adoption.

Done at Brussels,

For the Council
The President