



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 2 July 2012
(OR. en)**

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**Interinstitutional File:
2010/0310 (NLE)**

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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the conclusion of a Partnership and
Cooperation Agreement between the European Union and its
Member States, of the one part, and the Republic of Iraq, of the other part
COMMON GUIDELINES
Consultation deadline for Croatia: 27.6.2012

COUNCIL DECISION No.../2012/EU

of

**on the conclusion of a Partnership and Cooperation Agreement
between the European Union and its Member States, of the one part,
and the Republic of Iraq, of the other part**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular
Articles 79(3), 91, 100, 192(1), 194, 207 and 209 in conjunction with Article 218(6)(a) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,

Whereas:

- (1) The Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Iraq, of the other part, ("the Agreement"), was signed on 11 May 2012, subject to its possible conclusion at a later date.
- (2) The provisions of the Agreement that fall within the scope of Part Three, Title V of the Treaty on the Functioning of the European Union bind the United Kingdom and Ireland as separate Contracting Parties, and not as part of the European Union, unless the European Union together with the UK and/or Ireland have jointly notified the Republic of Iraq that the United Kingdom or Ireland is bound as part of the European Union in accordance with the Protocol (No 21) on the position of the United Kingdom and Ireland in respect of the area of Freedom, Security and Justice annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union. If the United Kingdom and/or Ireland cease(s) to be bound as part of the European Union in accordance with Article 4a of the Protocol (No 21), the European Union together with the UK and/or Ireland shall immediately inform the Republic of Iraq of any change in their position in which case they shall remain bound by the provisions of the agreement in their own right. The same applies to Denmark in accordance with the Protocol (No 22) on the position of Denmark, annexed to those Treaties.
- (3) The Agreement should be approved,

HAS ADOPTED THIS DECISION:

Article 1

The Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Iraq, of the other part, together with the Annexes and the declaration made unilaterally by the Union, attached to the Final Act, is hereby approved on behalf of the Union.^{1*}

Article 2

The President of the Council shall, on behalf of the Union, give the notification, provided for in Article 116 of the Agreement, in order to express the consent of the Union to be bound by the Agreement.²

¹ The Agreement has been published in OJ ...together with the decision on signature.

^{*} Delegations: see document 5784/11.

² The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

Article 3

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

Done at

For the Council

The President
