EXPLANATORY MEMORANDUM TO

THE EUROPEAN UNION (DEFINITION OF TREATIES) (PARTNERSHIP AND COOPERATION AGREEMENT) (VIETNAM) ORDER 2014

2014 No. 0000

1. Introduction

1.1 This explanatory memorandum has been prepared by the Foreign and Commonwealth Office and is laid before Parliament by Command of Her Majesty.

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

2.1 This Order would declare the Framework Agreement on Comprehensive Partnership and Cooperation between the European Union and its Member States, on the one hand, and the Socialist Republic of Vietnam on the other, signed on 27 June 2012, to be an EU Treaty as defined in section 1(2) of the European Communities Act 1972.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 The Agreement has been signed by the European Union, all of its Member States and the Socialist Republic of Vietnam, and must be approved by all Member States as well as by the European Union and the Socialist Republic of Vietnam before it can come into force. The Government intends, subject to the making of this Order, to approve the Agreement on behalf of the United Kingdom.

4. 2 The United Kingdom must be in a position to implement all the provisions of the Agreement before it can approve the Agreement.

5. Territorial Extent and Application

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

The Minister of State for Europe, David Lidington MP, has made the following statement regarding Human Rights:

"In my view the provisions of the European Union (Definition of Treaties) (Partnership and Cooperation Agreement) (Vietnam) Order 2014 are compatible with the Convention rights".

7. Policy background

- ***What is being done and why***

7.1 This Order declares the Framework Agreement on Comprehensive Partnership and Cooperation between the European Union and its Member States, on the one hand, and the Socialist Republic of Vietnam on the other, to be an EU Treaty as defined in section 1(2) of the European Communities Act 1972.

7.2 The principal effect of declaring this Agreement to be an EU Treaty so defined is that the provisions of section 2 of the European Communities Act 1972 (which provide for implementation of treaties specified in orders made under section 1(3) of that Act) apply to it.

7.3 The United Kingdom must be in a position to implement all the provisions of the Agreement before it can approve the Agreement.

7.4 This Agreement provides a legal framework for relations between the European Union, its Member States and Vietnam. The Agreement will enhance cooperation across a broad range of areas, including political dialogue, trade, energy, transport, human rights, education and training, science and technology, justice and migration. The Agreement also includes articles on countering the proliferation of weapons of mass destruction and their means of delivery, combating illicit trade in small arms and light weapons and terrorism.

- ***Consolidation***

7.5 This Order does not amend another instrument and there are accordingly no plans for consolidation.

8. Consultation outcome

8.1 There has been no public consultation on this instrument. The relevant Whitehall departments were consulted during negotiations on the text of the Agreement and gave their approval to the final draft.

9. Guidance

9.1 No guidance will be published.

10. Impact

10.1 The Agreement is a high-level international framework agreement which aims to encourage dialogue and cooperation between the Parties on a wide range of issues of mutual interest.

10.2 The impact on the public sector is negligible.

10.3 A Regulatory Impact Assessment has not been prepared for this instrument, as there is a negligible impact on the costs to UK business, charities and voluntary bodies.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 The Agreement provides that the Parties will establish a Joint Committee whose tasks include: (a) ensuring the proper functioning and implementation of the Agreement; (b) setting priorities in relation to the aims of the Agreement; and (c) monitoring the development of the comprehensive relationship between the Parties and making recommendations for promoting the objectives of the Agreement. The Joint Committee shall normally meet every year in Hanoi and Brussels alternately.

12.2 The Agreement is valid for an initial period of five years. It will be automatically extended for further successive periods of one year, unless either Party notifies the other Party in writing of its intention not to extend the Agreement six months prior to the end of any subsequent one-year period.

13. Contact

James Wheatley (Tel: 0207 008 3766; email: james.wheatley@fco.gov.uk) or
Chris Stephen (Tel: 0207 008 2740; email: Christopher.stephen@fco.gov.uk), at the Foreign and Commonwealth Office, can answer any queries regarding the instrument.