EXPLANATORY MEMORANDUM TO

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

2014 No. 1883

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

This Order declares 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, signed by the United Kingdom on 11 May 2012 (the Agreement), 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

None.

4. Legislative context

4.1 The Agreement has been signed by the European Union and all its Member States, as well as by the Republic of Iraq, and each of the Member States as well as the European Union and the Republic of Iraq must complete the necessary internal procedures before the Agreement can enter into force. The Government intends, subject to the making of this Order, to complete the necessary procedures 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 submit a completion of procedures note to the Secretary General of the Council of the European Union, as the depositary.

5. Territorial extent and application

This instrument applies to the whole 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) (Iraq) Order 2014 are compatible with the Convention rights".

7. Policy background

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

7.1 This Order declares 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, 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 as 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 the 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 submit a completion of procedures note to the depositary.

7.4 The Agreement provides a legal framework for relations between the European Union and its Member States and Iraq. It covers issues such as political dialogue, trade and investment, development assistance, and cooperation in the fields of energy, transport, the environment, human rights, education, science and technology, agriculture, tourism, justice, migration and asylum. It also addresses strengthening Iraq's relations with its neighbours and the wider region, combating terrorism, countering proliferation of weapons of mass destruction, small arms and light weapons, and the International Criminal Court.

- ***Consolidation***

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

8. Consultation outcome

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

No guidance will be published.

10. Impact

10.1 The impact on business, charities or voluntary bodies is expected to be negligible. The Agreement does not impose or remove any regulations on business.

While the Parties agree to accord each other most-favoured nation treatment, trade with Iraq, around £1 billion in recent years, makes up only around 0.1% of the UK's overall trade. Hence although there should be a small positive impact on UK trade with Iraq, it will have a negligible impact on total UK trade. EU co-operation with Iraq on social and human development, and education, training and youth may open up greater opportunities for UK charities, but there is nothing in the Agreement to affect how they operate in Iraq.

10.2 The impact on the public sector is expected to be negligible, although the opening of the Parties' respective procurement markets may be beneficial to UK contractors.

10.3 A full Impact Assessment has not been prepared for this instrument. Following an initial assessment, it was determined that the effect of the Agreement was not sufficient to merit a full assessment.

11. Regulating small business

The Agreement will not have any impact on regulation of small businesses, as it does not impose or remove any regulations.

12. Monitoring & review

12.1 The Agreement provides that the Parties will establish a Cooperation Council, which shall supervise the implementation of the Agreement. It shall examine any major issues arising within the framework of the Agreement and any other bilateral or multilateral issues of mutual interest for the purpose of attaining the objectives of the Agreement.

12.2 The Agreement is concluded for a period of ten years. It will be automatically renewed on a yearly basis unless one of the Parties renounces it at least six months before its expiry date.

13. Contact

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Rashmin Sagoo (Tel: 0207 008 2576; email: rashmin.sagoo@fco.gov.uk), at the Foreign and Commonwealth Office, can answer any queries regarding the instrument.