EXPLANATORY MEMORANDUM TO

THE EUROPEAN UNION (DEFINITION OF TREATIES) (PARTNERSHIP AND COOPERATION AGREEMENT) (REPUBLIC OF INDONESIA) ORDER 2011

2011 No. 743

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

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 Community and its Member States and the Republic of Indonesia, signed on 9 November 2009 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 is concluded by the European Community and all its Member States, and must be ratified by each of those States as well as by the European Union which has replaced and succeeded the European Community and the Republic of Indonesia before it can come into force. The Government intends, subject to the making of this Order, to ratify 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 ratify the Agreement. The proposed Order would provide the necessary powers under section 2 of the European Communities Act 1972.

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) (Republic of Indonesia) Order 2011 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 Community and its Member States and the Republic of Indonesia, signed on 9 November 2009 to be an EU Treaty as defined in section 1(2) of the European Communities Act 1972. The European Community is replaced and succeeded by the European Union although the title to this Agreement remains the same, referring to the European Community.

7.2 The Agreement provides a framework aiming to consolidate and strengthen the European Union's and its Member States' political, economic and trade relations with the Republic of Indonesia, and promote democratic reforms, economic growth, sustainable development and action against poverty there. The Agreement will allow for further engagement between the Parties in a broad range of areas, including climate change and energy, science and technology, maritime and aviation transport. It also addresses illegal migration, money laundering and illicit drugs. In addition, the Agreement includes clauses on organised crime and corruption, human rights and combating the proliferation of weapons of mass destruction, which are treated as essential elements of the Agreement.

7.3 The United Kingdom must be in a position to implement all the provisions of the Agreement before it can ratify the Agreement. The proposed Order would provide the necessary powers under section 2 of the European Communities Act 1972.

- ***Consolidation***

7.4 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.

9. Guidance

9.1 No guidance will be published.

10. Impact

10.1 The impact on business, charities or voluntary bodies is negligible.

10.2 The impact on the public sector is negligible.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 Monitoring and review mechanisms are not applicable.

13. Contact

Natalie Atmore Tel: 0207 008 3766 or email: Natalie.Atmore3@fco.gov.uk or
Ann Swampillai Tel: 0207 008 3644 or email: ann.swampillai@fco.gov.uk, at the Foreign and Commonwealth Office can answer any queries regarding the instrument.