



EUROPEAN
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2026/0263 (NLE)

Proposal for a

COUNCIL DECISION

on the position to be taken on behalf of the European Union within the Cooperation Council established by the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Azerbaijan, of the other part, with regard to the amendment and extension of the EU-Azerbaijan Partnership Priorities

EXPLANATORY MEMORANDUM

1. SUBJECT MATTER OF THE PROPOSAL

This proposal concerns the decision establishing the position to be taken on the Union's behalf in the Cooperation Council in connection with the anticipated adoption of Recommendation No XX/2026 on the extension and amendment of the EU-Azerbaijan Partnership Priorities for 2026-2030

2. CONTEXT OF THE PROPOSAL

2.1. The Partnership and Cooperation Agreement

The Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Azerbaijan, of the other part ('the Agreement') aims to provide a framework for political dialogue and cooperation between the European Communities and their Member States and the Republic of Azerbaijan ('the Parties') to develop political relations. The Agreement entered into force on 1 July 1999.

2.2. The Cooperation Council

To attain the objectives of the Agreement, the Cooperation Council examines any major issues arising under the Agreement and any other bilateral or international issues of mutual interest. The Cooperation Council may make appropriate recommendations with the agreement by the Parties. The Cooperation Council consists of the members of the Council of the European Union and members of the European Commission, on the one hand, and of members of the Government of the Republic of Azerbaijan, on the other. The Cooperation Council has its rules of procedure.

2.3. The envisaged act of the Cooperation Council

The Cooperation Council should adopt by written procedure a Recommendation on amending the Partnership Priorities' content and extending the implementing period from 2021-2024 to 2026-2030 ('the Act').

3. POSITION TO BE TAKEN ON THE UNION'S BEHALF

The position to be adopted by the Union in the Cooperation Council is based on the draft Recommendation annexed to this Decision.

The amended Partnership Priorities, renamed "Strategic Priorities for the EU-Azerbaijan Partnership", will continue to meet the objectives of the revised European Neighbourhood Policy as well as the objectives of the Eastern Partnership. They will guide the multiannual programming of the EU's financial cooperation with Azerbaijan.

The Parties have decided to amend the Partnership Priorities in line with relevant developments. The Parties are committed to developing their relations and implementing these priorities.

The renewal of the Partnership Priorities is in the interest of the Union.

4. LEGAL BASIS

4.1. Procedural legal basis

4.1.1. Principles

Article 218(9) of the Treaty on the Functioning of the European Union (TFEU) provides for decisions establishing *‘the positions to be adopted on the Union’s behalf in a body set up by an agreement, when that body is called upon to adopt acts having legal effects, with the exception of acts supplementing or amending the institutional framework of the agreement.’*

The concept of *‘acts having legal effects’* includes acts that have legal effects by virtue of the rules of international law governing the body in question. It also includes instruments that do not have a binding effect under international law, but that are *‘capable of decisively influencing the content of the legislation adopted by the EU legislature’*¹.

4.1.2. Application to the present case

The Cooperation Council is a body set up by an agreement, namely the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Azerbaijan, of the other part.

The act which the Cooperation Council is called upon to adopt constitutes an act having legal effects.

The Act is capable of decisively influencing the content of EU legislation, namely the multiannual programming of the financial cooperation under the single support framework. This is because Article 7(2) of Regulation (EU) No 232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighbourhood Instrument provides that for countries where documents referred to in Article 3(2) of that Regulation exist, a comprehensive multiannual single support framework must be adopted in line with the examination procedure referred to in Article 16(3) of Regulation (EU) No 236/2014. The relevant documents can be action plans, or other equivalent jointly agreed documents, like partnership priorities.

The envisaged act does not supplement or amend the Agreement’s institutional framework.

Therefore, the procedural legal basis for the proposed decision is Article 218(9) TFEU.

4.2. Substantive legal basis

4.2.1. Principles

The substantive legal basis for a decision under Article 218(9) TFEU depends primarily on the objective and content of the envisaged act in respect of which a position is taken on the Union’s behalf. If the envisaged act pursues two aims or has two components and if one of those aims or components is identifiable as the main one, whereas the other is merely incidental, the decision under Article 218(9) TFEU must be founded on a single substantive legal basis, namely that required by the main or predominant aim or component.

4.2.2. Application to the present case

The main objective and content of the envisaged act relates to all areas of cooperation with Azerbaijan under the Agreement and the revised European Neighbourhood Policy.

Therefore, the substantive legal basis of the proposed decision is Articles 207 and 209 TFEU.

¹ Judgment of the Court of Justice of 7 October 2014, Germany v Council, C-399/12, ECLI:EU:C:2014:2258, paragraphs 61 to 64.

4.3. Conclusion

The legal basis of the proposed decision is Articles 207 and 209, in conjunction with Article 218(9) TFEU.

5. PUBLICATION OF THE ENVISAGED ACT

As the act of the Cooperation Council will amend the Partnership Priorities' content and implementing period, it is appropriate to publish it in the *Official Journal of the European Union* after its adoption.

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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 Articles 207 and 209, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Azerbaijan, of the other part ('the Agreement') was concluded by the Union by Council Decision on 22 April 1996 and entered into force on 1 July 1999.
- (2) Pursuant to Article 81 of the Agreement, the Cooperation Council may adopt recommendations to attain the objectives of the Agreement.
- (3) The EU-Azerbaijan Cooperation Council, during its meeting on 28 September 2018, adopted the EU-Azerbaijan Partnership Priorities for 2018-2020, which were extended to 2021-2024 by written procedure.
- (4) It is appropriate to draw up the position on the amendment and extension of the EU-Azerbaijan Partnership Priorities, to be renamed Strategic Priorities for the EU-Azerbaijan Partnership, to be taken on the Union's behalf in the Cooperation Council.
- (5) The Strategic Priorities for the EU-Azerbaijan Partnership will continue to guide the multiannual programming of the EU's financial cooperation with Azerbaijan.

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf in the Cooperation Council established by the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Azerbaijan, of the other part, shall be based on the draft attached to this Decision.

Article 2

Minor technical changes to the positions set out in Article 1 and the Annex may be agreed to without further decision of the Council.

Article 3

This Decision shall enter into force on [...].

Done at Brussels,

*For the Council
The President*