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## Contents

### II *Non-legislative acts*

#### INTERNATIONAL AGREEMENTS

- ★ **Council Decision (EU) 2016/2232 of 6 December 2016 on the signing, on behalf of the Union, and provisional application of the Political Dialogue and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Cuba, of the other part** ..... 1
- Political Dialogue and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Cuba, of the other part ..... 3

#### DECISIONS

- ★ **Council Decision (CFSP) 2016/2233 of 6 December 2016 repealing Common Position 96/697/CFSP on Cuba** ..... 41

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.



## II

*(Non-legislative acts)*

## INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2016/2232

of 6 December 2016

**on the signing, on behalf of the Union, and provisional application of the Political Dialogue and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Cuba, of the other part**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 31(1) and Article 37 thereof,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 207 and 209, in conjunction with Article 218(5) and the second subparagraph of Article 218(8), thereof,

Having regard to the proposal from the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 10 February 2014 the Council authorised the Commission to open negotiations with the Republic of Cuba for a political dialogue and cooperation agreement.
- (2) Negotiations were successfully completed with the initialling, on 11 March 2016, of the Political Dialogue and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Cuba, of the other part ('the Agreement').
- (3) Article 86(3) of the Agreement provides for its provisional application pending its entry into force.
- (4) The Agreement should therefore be signed on behalf of the Union and applied in part on a provisional basis, pending the completion of the procedures necessary for its conclusion.
- (5) The provisional application of parts of the Agreement does not prejudice the allocation of competences between the Union and its Member States in accordance with the Treaties. It should also be consistent with the nature of Union competence, in particular as regards matters referred to in Titles IV to VII of Part III of the Agreement,

HAS ADOPTED THIS DECISION:

*Article 1*

The signing on behalf of the Union of the Political Dialogue and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Cuba, of the other part, is hereby authorised, subject to the conclusion of the said Agreement.

The text of the Agreement is attached to this Decision.

*Article 2*

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the Union.

*Article 3*

Pending the entry into force of the Agreement, in accordance with Article 86(3) thereof and subject to the notifications provided for therein, the following parts of the Agreement shall be applied on a provisional basis <sup>(1)</sup> between the Union and the Republic of Cuba, but only to the extent that they cover matters falling within the Union's competence, including matters falling within the Union's competence to define and implement a common foreign and security policy:

- Parts I to IV; and
- Part V, to the extent that the provisions thereof are limited to the purpose of ensuring provisional application of the Agreement.

Notwithstanding the first paragraph of this Article, the following Articles shall not be applied on a provisional basis:

- Article 29;
- Article 35;
- Article 55 to the extent that it concerns cooperation on maritime transport;
- Article 58;
- Article 71 to the extent that it concerns border security; and
- Article 73 to the extent that it concerns cooperation on non-agricultural geographical indications.

*Article 4*

This Decision shall enter into force on the date following that of its adoption.

Done at Brussels, 6 December 2016.

*For the Council*  
*The President*  
P. KAŽIMÍR

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<sup>(1)</sup> The date from which the Agreement will be provisionally applied will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

**POLITICAL DIALOGUE AND COOPERATION AGREEMENT**

**between the European Union and its Member States, of the one part, and the Republic of Cuba, of the other part**

THE KINGDOM OF BELGIUM

THE REPUBLIC OF BULGARIA,

THE CZECH REPUBLIC,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF ESTONIA,

IRELAND,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

THE REPUBLIC OF CROATIA,

THE ITALIAN REPUBLIC,

THE REPUBLIC OF CYPRUS,

THE REPUBLIC OF LATVIA,

THE REPUBLIC OF LITHUANIA,

THE GRAND DUCHY OF LUXEMBOURG,

HUNGARY,

THE REPUBLIC OF MALTA,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE REPUBLIC OF POLAND,

THE PORTUGUESE REPUBLIC,

ROMANIA,

THE REPUBLIC OF SLOVENIA,

THE SLOVAK REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

Contracting Parties to the Treaty on European Union and the Treaty on the Functioning of the European Union, hereinafter referred to as the 'Member States of the European Union', and

THE EUROPEAN UNION,

of the one part, and

THE REPUBLIC OF CUBA, hereinafter referred to as 'Cuba',

of the other part

CONSIDERING the Parties' desire to consolidate and deepen their links by strengthening their political dialogue, cooperation, and economic and trade relations, in a spirit of mutual respect and equality;

EMPHASISING the importance that they attach to the strengthening of political dialogue on bilateral and international issues;

EMPHASISING their will to cooperate in international fora on issues of mutual interest;

BEARING IN MIND their commitment to further promoting the strategic partnership established between the European Union and Latin America and the Caribbean and the Joint Caribbean-EU Partnership Strategy and taking account of the mutual benefits of regional cooperation and integration;

REAFFIRMING respect for the sovereignty, territorial integrity and political independence of the Republic of Cuba;

REAFFIRMING their commitment to strengthening effective multilateralism and the role of the United Nations as well as to all the principles and purposes enshrined in the Charter of the United Nations;

REAFFIRMING their respect for universal human rights as set out in the Universal Declaration of Human Rights and other relevant international instruments on human rights;

RECALLING their commitment to the recognised principles of democracy, good governance and the rule of law;

REAFFIRMING their commitment to promoting international peace and security and the peaceful settlement of disputes, in conformity with the principles of justice and international law;

CONSIDERING their commitment to international obligations in the area of disarmament and non-proliferation of weapons of mass destruction and their means of delivery and to cooperation in that area;

CONSIDERING their commitment to combating the illicit trade and accumulation of small arms and light weapons, in full compliance with their obligations under international instruments, and to cooperating in that area;

CONFIRMING their commitment to fighting and eliminating all forms of discrimination, including discrimination on the grounds of race, colour or ethnic origin, religion or belief, disability, age or sexual orientation;

HIGHLIGHTING their commitment to inclusive and sustainable development and to working together in pursuit of the objectives of the 2030 Agenda for Sustainable Development;

RECOGNISING Cuba's status as a developing island country and taking account of the Parties' respective levels of development;

RECOGNISING the importance of development cooperation to developing countries for their sustained growth, their sustainable development and the full realisation of internationally agreed development goals;

BASED on the principle of shared responsibilities and convinced of the importance of preventing the production, trafficking and use of illicit drugs;

RECALLING their commitment to fighting corruption, money laundering, organised crime and the trafficking in persons and the smuggling of migrants;

RECOGNISING the need for enhanced cooperation in the field of the promotion of justice, citizen security, and migration;

AWARE of the need to promote the objectives of this Agreement through dialogue and cooperation involving all relevant stakeholders, including, where appropriate, regional and local government, civil society and the private sector;

RECALLING their international commitments related to social development, including in the areas of education, health and labour rights, as well as those related to the environment;

REAFFIRMING the sovereign right of States over their natural resources and their responsibility to preserve the environment in accordance with their national legislation, the principles of international law and the Declaration of the United Nations Conference on Sustainable Development;

REAFFIRMING the importance that the Parties attach to the principles and rules which govern international trade, in particular those contained in the Agreement Establishing the World Trade Organization of 15 April 1994 and the multilateral agreements annexed thereto, and to the need to apply them in a transparent and non-discriminatory manner;

REITERATING their opposition to unilateral coercive measures with extraterritorial effect, contrary to international law and the principles of free trade, and committed to promoting their abrogation;

NOTING that, in the event that the Parties decide, within the framework of this Agreement, to enter into specific agreements in the area of freedom, security and justice concluded by the Union pursuant to Title V of Part Three of the Treaty on the Functioning of the European Union, the provisions of such future agreements would not bind the United Kingdom and/or Ireland unless the European Union, simultaneously with the United Kingdom and/or Ireland as regards their respective previous bilateral relations, notifies Cuba that the United Kingdom and/or Ireland has/have become bound by such agreements as part of the Union in accordance with 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 the Treaty on the Functioning of the European Union. Likewise, any subsequent internal measures of the European Union adopted pursuant to Title V of Part Three of the Treaty on the Functioning of the European Union to implement this Agreement would not bind the United Kingdom and/or Ireland unless they have notified their wish to take part or accept such measures in accordance with Protocol No 21. Also noting that such future agreements or such subsequent internal measures of the European Union would fall under Protocol No 22 on the position of Denmark, annexed to the said Treaties,

HAVE AGREED AS FOLLOWS:

#### PART I

### GENERAL PROVISIONS

#### *Article 1*

#### **Principles**

1. The Parties confirm their commitment to a strong and effective multilateral system and the full respect of and abidance by international law and the purposes and principles enshrined in the Charter of the United Nations ('UN Charter').
2. Likewise, they consider a fundamental aspect of this Agreement to be their commitment to the established bases for relations between the European Union and Cuba, which are centred on equality, reciprocity and mutual respect.
3. The Parties agree that all actions under this Agreement shall be implemented in accordance with their respective constitutional principles, legal frameworks, legislation, norms and regulations, as well as the applicable international instruments to which they are parties.
4. The Parties confirm their commitment to the promotion of sustainable development, which is a guiding principle in the implementation of this Agreement.
5. Respect for and the promotion of democratic principles, respect for all human rights and fundamental freedoms as laid down in the Universal Declaration of Human Rights and in the core international human-rights instruments and their optional protocols which are applicable to the Parties, and respect for the rule of law constitute an essential element of this Agreement.
6. In the framework of their cooperation, the Parties recognise that all peoples have the right to freely determine their political system and to freely pursue their economic, social and cultural development.

#### *Article 2*

#### **Objectives**

The Parties agree that the objectives of this Agreement are to:

- (a) consolidate and strengthen existing relations between the Parties in the areas of political dialogue, cooperation and trade on the basis of mutual respect, reciprocity, common interest and respect for the sovereignty of the Parties;
- (b) accompany the process of updating the economy and society in Cuba by providing a comprehensive framework for dialogue and cooperation;

- (c) engage in a result-oriented dialogue on the basis of international law in order to strengthen bilateral cooperation and mutual engagement in international fora, in particular the United Nations, with the aim of strengthening human rights and democracy, achieving sustainable development and ending discrimination in all its aspects;
- (d) support efforts to achieve the goals of the 2030 Agenda for Sustainable Development framework;
- (e) promote trade and economic relations in conformity with the rules and principles governing international trade as stipulated in the World Trade Organization (WTO) Agreements;
- (f) enhance regional cooperation in the Caribbean and Latin American regions with the aim of developing, where possible, regional responses to regional and global challenges and promoting the sustainable development of the region;
- (g) promote understanding by encouraging contact, dialogue and cooperation between societies of Cuba and EU countries, at all levels.

## PART II

### POLITICAL DIALOGUE

#### *Article 3*

#### **Objectives**

The Parties agree to engage in political dialogue. The objectives of that dialogue shall be to:

- (a) strengthen political relations and promote exchanges and mutual understanding on issues of common interest and concern;
- (b) enable a broad exchange of views and information between the Parties on positions in international fora and promote mutual trust while defining and strengthening common approaches, whenever possible;
- (c) strengthen the United Nations as the core of the multilateral system, in light of the UN Charter and international law, in order to enable it to tackle global challenges effectively;
- (d) further promote the strategic partnership between the European Union and the Community of Latin American and Caribbean States (CELAC).

#### *Article 4*

#### **Areas and modalities**

1. The Parties agree that political dialogue shall take place at regular intervals at senior official and political level and cover all aspects of mutual interest at either regional or international level. The issues to be addressed in the political dialogue shall be agreed in advance by the Parties.
2. The political dialogue between the Parties shall serve to clarify the interests and positions of both Parties and seek to establish common ground for bilateral cooperation initiatives or multilateral action in the areas set out in this Agreement and in others that could be added by agreement between the Parties.
3. The Parties will establish dedicated dialogues on areas required, as mutually agreed.

#### *Article 5*

#### **Human rights**

Within the framework of the overall political dialogue, the Parties agree to establish a human rights dialogue, with a view to enhancing practical cooperation between the Parties at both multilateral and bilateral level. The agenda for each dialogue session shall be agreed by the parties, reflect their respective interests and take care to address in a balanced fashion civil and political rights and economic, social and cultural rights.

#### *Article 6*

#### **Illicit trade in small arms and light weapons and other conventional weapons**

1. The Parties recognise that the illicit manufacture, transfer and circulation of small arms and light weapons, including ammunition, and the excessive accumulation, poor management, inadequately secured stockpiling and uncontrolled spread thereof continue to pose a serious threat to international peace and security.



2. The Parties agree to observe and fully implement their obligations and commitments in this area under applicable international agreements and United Nations resolutions as well as other international instruments taking as a recognised framework the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.
3. The Parties reaffirm the inherent right to self-defence under Article 51 of the UN Charter and further reaffirm the right of each State to manufacture, import and retain small arms and light weapons for defence and national security as well as for their capacity to participate in peacekeeping operations in accordance with the UN Charter and on the basis of the decision of each of the Parties.
4. The Parties recognise the importance of internal control systems for the transfer of conventional arms in line with international instruments as set out in paragraph 2. The Parties recognise the importance of applying such controls in a responsible manner, as a contribution to international and regional peace, security and stability, to the reduction of human suffering and to the prevention of illicit trafficking of conventional weapons or their diversion to non-authorised recipients.
5. The Parties further agree to cooperate at bilateral, regional and international level and to ensure coordination, complementarity and synergy in their efforts to ensure that there are appropriate laws, regulations and procedures to exercise effective control of production, exports, imports, transfers or re-transfers of small arms and light weapons and other conventional weapons and to prevent, combat and eradicate the illicit trade in arms, thereby contributing to the preservation of international peace and security. They agree to establish a regular political dialogue that shall accompany and consolidate this undertaking, taking into account the nature, scope and magnitude of illicit trade in arms for each Party.

#### *Article 7*

### **Disarmament and non-proliferation of weapons of mass destruction**

1. The Parties, reaffirming their commitment to general and complete disarmament, consider that the proliferation of nuclear, chemical and biological weapons, and of their means of delivery, both to State and non-State actors, represents one of the most serious threats to international peace, stability and security.
2. The Parties note the Proclamation of Latin America and the Caribbean as a Zone of Peace, which includes the commitment of the States of that region to promoting nuclear disarmament, as well as the status of Latin America and the Caribbean as a zone free of nuclear weapons.
3. The Parties agree to cooperate and to contribute to international efforts on disarmament, the non-proliferation of weapons of mass destruction in all its aspects, and their means of delivery and national arms export controls, through full compliance with and national implementation of their existing obligations under international disarmament and non-proliferation treaties and agreements and of other international obligations which are applicable to the Parties and with the principles and norms of international law.
4. The Parties agree that this provision constitutes an essential element of this Agreement.
5. The Parties furthermore agree to exchange views and cooperate with a view to taking steps to possibly sign, ratify or accede to, as appropriate, relevant international instruments and to implement and fully comply with the instruments to which they are parties.
6. The Parties agree to establish a regular dialogue with the objective of accompanying their cooperation in this area.

#### *Article 8*

### **Fight against terrorism in all forms and manifestations**

1. The Parties reaffirm the importance of preventing and combating terrorism in all its forms and manifestations and agree to cooperate in exchanges of experience and information with full respect for the principles of the UN Charter, the rule of law and international law, including international human rights law and humanitarian law, taking into account the United Nations (UN) Global Counter-Terrorism Strategy contained in UN General Assembly Resolution 60/288 of 8 September 2006 and its periodic revisions.

2. The Parties shall do so in particular:
  - (a) in the framework of the implementation of relevant UN resolutions and ratification and implementation of the universal legal instruments against terrorism and other legal instruments relevant to the Parties;
  - (b) by cooperating in exchanging information on terrorist groups and their support networks, in accordance with international and internal law;
  - (c) by cooperating in exchanging views on means, methods and best practices to counter terrorism and the incitement of terrorist acts, including in technical fields and training and in relation to terrorism prevention;
  - (d) by cooperating so as to foster the international consensus on the fight against terrorism, terrorism financing and its normative framework and by working towards an agreement on the Comprehensive Convention on International Terrorism as soon as possible so as to complement the existing UN and other applicable international counter-terrorism instruments to which they are parties;
  - (e) by promoting cooperation among UN Member States with a view to effectively implementing the UN Global Counter-Terrorism Strategy as a whole by all appropriate means.

#### *Article 9*

### **Serious crimes of international concern**

1. The Parties reaffirm that the most serious crimes of concern to the international community as a whole should not go unpunished and that their prosecution should be ensured by measures at either internal or international level, as appropriate, including the International Criminal Court.
2. The Parties reiterate the importance of cooperation with the corresponding courts and tribunals in accordance with the Parties' respective laws and applicable international obligations.
3. The Parties agree that the purposes and principles of the UN Charter and international law are essential for an effective and fair international criminal jurisdiction, complementary to national justice systems.
4. The Parties agree to cooperate with a view to strengthening the legal framework aimed at preventing and punishing the most serious crimes of concern to the international community by, inter alia, sharing experience and building capacity in areas mutually agreed.

#### *Article 10*

### **Unilateral coercive measures**

1. The Parties shall exchange views on coercive measures of unilateral character with extraterritorial effect that are contrary to international law and commonly accepted rules of international trade, by which they are both affected and which are used as a means of political and economic pressure against States and affect the sovereignty of other States.
2. The Parties shall pursue a regular dialogue on the application of such measures and the prevention and mitigation of their effects.

#### *Article 11*

### **Combating trafficking in persons and the smuggling of migrants**

1. With the aim of identifying areas and determining approaches for joint action, the Parties shall exchange views on preventing and combating the smuggling of migrants and trafficking in persons in all its forms and on ensuring the protection of victims in accordance with the UN Charter and relevant international instruments, in particular the United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, as well as the UN Global Plan of Action to Combat Trafficking in Persons adopted by the UN General Assembly in its Resolution 64/293.

2. The Parties shall focus, in particular, on:
  - (a) the promotion of laws and policies that are consistent with the provisions of the UN Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air;
  - (b) best practices and activities designed to help identify, arrest and prosecute criminal networks engaged in the smuggling of migrants and trafficking in persons and to support the victims of such crimes.

#### *Article 12*

### **Combating the production, trafficking and consumption of illicit drugs**

1. The Parties reaffirm the importance of exchanging views and best practices with the aim of identifying areas and defining approaches for joint action to prevent and combat the production, trafficking and consumption of illicit substances in all its variants, including new psychoactive substances, in accordance with the UN Charter and relevant international instruments, particularly the three main UN drug control conventions of 1961, 1971 and 1988, the Political Declaration and the Declaration on the guiding principles of drug demand reduction approved by the United Nations General Assembly Special Session on Drugs in June 1998, the Political Declaration and Plan of Action adopted at the High-Level Segment of the 52nd session of the United Nations Commission on Narcotic Drugs in March 2009 and the outcome document adopted at the United Nations General Assembly Special Session on the world drug problem in April 2016.
2. The Parties shall also seek to cooperate with other countries in reducing the production and trafficking of illicit substances, in full compliance with international law, the sovereignty of States and the principle of common and shared responsibility.

#### *Article 13*

### **Combating racial discrimination, xenophobia and related intolerance**

1. The Parties commit to the global fight against racism, racial discrimination, xenophobia and related intolerance, including through the universal ratification and implementation of International Convention on the Elimination of all forms of Racial Discrimination.
2. In this context, they shall exchange on best practices on strategies and policies to promote the fight against racial discrimination, xenophobia and related intolerance, in particular on the implementation of the Durban Declaration and Programme of Action, in the territories of the Parties as well as at global level.
3. They shall also exchange views on the most efficient ways to implement the United Nations International Decade for People of African Descent, 2015 to 2024.
4. They shall consider the possibility of undertaking actions on combating racial discrimination in the framework of United Nations and other fora.

#### *Article 14*

### **Sustainable development**

1. The Parties welcome the 2030 Agenda for Sustainable Development and its sustainable development goals (SDGs) adopted by the United Nations General Assembly and pledge to work towards their fulfilment both nationally and internationally.
2. They agree on the importance of eradicating poverty in all its forms and achieving sustainable development in its economic, social and environmental dimensions in a balanced and integrated manner. To that end, they reaffirm their commitment to implementing the 2030 Agenda for Sustainable Development, in accordance with their respective capabilities and circumstances.

3. The Parties recognise that all 17 SDGs of the 2030 Agenda for Sustainable Development need to be implemented in order to successfully achieve sustainable development. They agree to exchange views on the best ways to work together in order to achieve the SDGs by, inter alia:

- (a) promoting the eradication of poverty, hunger, illiteracy and poor health, and ensuring sustained, inclusive and sustainable economic growth for all;
- (b) giving due priority to the joint resolution of all environmental problems, including climate change, and promoting the sustainable management and use of water, seas and terrestrial ecosystems;
- (c) working together for the empowerment of women, the reduction of inequality between and within countries, the facilitation of access to justice for all and the creation of accountable, effective and inclusive institutions at all levels.

4. The Parties agree to establish a dedicated dialogue on the 2030 Agenda for Sustainable Development in order to identify ways to improve practical cooperation between them within the overall framework of political dialogue. The agenda for each dialogue session shall be agreed between the Parties.

5. The Parties commit to strengthening the global partnership for development, promoting policy coherence at all levels and developing a comprehensive innovative approach for the mobilisation and effective use of all available public, private, internal and international resources as set out in the Addis Ababa Programme of Action on financing for development.

6. The Parties recognise the need to regularly follow up and review of the 2030 Agenda for Sustainable Development and the Addis Ababa Programme of Action on financing for development at global level under the UN High-Level Political Forum on Sustainable Development, including on means of implementation, as well as at the national and regional levels, as appropriate.

7. The Parties reaffirm the need for all developed countries to provide 0,7 % of their gross national income for official development assistance, and for emerging economies and upper-middle-income countries to set targets for increasing their provision of international public finance.

### PART III

## COOPERATION AND SECTOR-POLICY DIALOGUE

### TITLE I

#### **General provisions**

#### *Article 15*

#### **Objectives**

1. The general objective of cooperation and sector-policy dialogue under the umbrella of this Agreement is to strengthen bilateral relations between the European Union and Cuba by facilitating resources, mechanisms, tools and procedures.

2. The Parties agree to:

- (a) implement cooperation actions that complement the efforts of Cuba in its economic and socially sustainable development, in those areas identified as a priority and set out in Titles I to VI of this Part;
- (b) promote inclusive sustainable development by enhancing mutual supportiveness between economic growth, employment creation, social cohesion and protection, and environmental protection;
- (c) contribute to attaining the objectives of the 2030 Agenda for Sustainable Development through effective cooperation actions;
- (d) promote mutual trust through regular exchanges of views and the identification of areas of collaboration on global issues of interest to both Parties.

*Article 16***Principles**

1. Cooperation shall support and complement the efforts of the Parties in implementing the priorities set by their own development policies and strategies.
2. Cooperation shall be the result of a dialogue between the Parties.
3. Cooperation activities shall be established at both bilateral and regional level and complement one another so as to support the objectives set out in this Agreement.
4. The Parties shall promote the participation of all relevant actors in their development policies and their cooperation, as foreseen in this Agreement.
5. The Parties shall enhance the effectiveness of their cooperation by operating within mutually agreed frameworks, taking into account multilaterally agreed international commitments. They shall promote harmonisation, alignment and coordination between donors and the fulfilment of mutual obligations linked to the achievement of cooperation activities.
6. The Parties agree to take into consideration their different levels of development in the design of cooperation activities.
7. The Parties agree to ensure the transparent and accountable management of financial resources made available for the agreed actions.
8. The Parties agree that cooperation pursuant to this Agreement shall be in accordance with their respective procedures established for that purpose.
9. Cooperation shall be aimed at achieving the sustainable development and multiplication of national, regional and local capacities in order to achieve long-term sustainability.
10. Cooperation shall take into account all cross-cutting issues.

*Article 17***Sector-policy dialogue**

1. The Parties shall endeavour to conduct sector-policy dialogue in areas of mutual interest. Such dialogue could encompass:
  - (a) exchanges of information on policy formulation and planning in the sectors concerned;
  - (b) exchanges of views on the harmonisation of the legal framework of the Parties with international rules and standards, and the implementation of such rules and standards;
  - (c) the sharing of best practices regarding sector-policy formulation, policy coordination and management or specific sector challenges.
2. The Parties aim to underpin their sector-policy dialogue with concrete cooperation measures, where appropriate.

*Article 18***Cooperation modalities and procedures**

1. The Parties agree to develop their cooperation in accordance with the following modalities and procedures:
  - (a) technical and financial assistance, dialogue and exchanges of views and information as a means of contributing to the implementation of the objectives of this Agreement;
  - (b) the development of their bilateral cooperation on the basis of agreed priorities furthering and complementing Cuba's development strategies and policies;
  - (c) the promotion of Cuba's participation in the EU's regional cooperation programmes;

- (d) the promotion of Cuba's participation in the EU's thematic cooperation programmes;
  - (e) the promotion of Cuba's participation as an associated partner in European Union framework programmes;
  - (f) the promotion of cooperation in areas of common interest between the Parties and with third countries;
  - (g) the promotion of innovative cooperation and financing modalities and instruments in order to improve the effectiveness of cooperation;
  - (h) the further exploration of practical possibilities for cooperation in their mutual interest;
2. The European Union shall inform Cuba of new mechanisms and instruments for which Cuba could be eligible.
3. EU humanitarian assistance will be provided on the basis of jointly identified needs and in line with the humanitarian principles, upon the occurrence of natural or other disasters.
4. Parties shall jointly establish responsive working procedures in order to guarantee the efficiency and effectiveness of cooperation. Such working procedures could include, where appropriate, the setting-up of a coordination committee to meet regularly in order to plan, coordinate and follow systematically all cooperation actions and information and communication activities to raise awareness of the European Union support for the actions.
5. Cuba, through its competent delegated entities, shall:
- (a) undertake all import procedures, free of charge of customs fees and taxes, for the goods and inputs related to the cooperation actions;
  - (b) manage, with the health and agriculture authorities, the sanitary, veterinary and phytosanitary controls, wherever necessary; and
  - (c) complete migration procedures for staff travelling to Cuba for the needs of agreed cooperation actions, as well as procedures regarding other authorisations for temporary work and residence permits for the expatriate personnel working temporarily in Cuba.

#### *Article 19*

##### **Actors of cooperation**

The Parties agree that cooperation will be implemented in accordance with their relevant procedures by various actors within society, including:

- (a) Cuban Government institutions or public bodies designated by those institutions;
- (b) local authorities at different levels;
- (c) international organisations and their agencies;
- (d) the development agencies of Member States of the European Union; and
- (e) civil society, including scientific, technical, cultural, artistic, sports, friendship and solidarity associations, social organisations, trade unions and cooperatives.

#### *Article 20*

##### **Sectors for cooperation**

1. The Parties agree to cooperate primarily in the sectors set out in Titles I to VI of this Part.
2. The Parties agree that cooperation actions to be identified shall include the following as horizontal and strategic vectors for development:
- (a) sustainable development,
  - (b) human rights and good governance,
  - (c) environmental sustainability,

- (d) disaster prevention,
- (e) gender perspective,
- (f) persons in a situation of vulnerability,
- (g) building national capacities, and
- (h) knowledge management.

#### *Article 21*

### **Resources for cooperation and protection of the Parties' financial interests**

1. The Parties agree to make available the appropriate resources, including financial means, insofar as their respective resources and regulations allow, in order to fulfil the cooperation objectives set out in this Agreement.
2. The Parties shall make use of financial assistance in accordance with principles of sound financial management and cooperate in the protection of their financial interests. The Parties shall take effective measures to prevent and fight fraud, corruption and any other illegal activities, inter alia by means of mutual administrative assistance and mutual legal assistance in the fields covered by this Agreement. Any further agreement or financing instrument to be concluded between the Parties shall provide for specific financial cooperation clauses covering coordinated control actions such as on-the-spot checks, inspections and anti-fraud measures, including, inter alia, those conducted by the European Anti-fraud Office and the Auditor-General of the Republic of Cuba.

#### *TITLE II*

### ***Democracy, human rights and good governance***

#### *Article 22*

### **Democracy and human rights**

1. Mindful that the protection and promotion of human rights and fundamental freedoms is the first responsibility of governments, bearing in mind the significance of national and regional particularities and of various historical, cultural and religious backgrounds and acknowledging that it is their duty to protect all human rights and fundamental freedoms regardless of their political, economic and cultural systems, the Parties agree to cooperate in the area of democracy and human rights.
2. The Parties recognise that democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of life.
3. The Parties agree to cooperate in strengthening democracy and their capacity to implement the principles and practices of democracy and human rights, including minority rights.
4. Cooperation may include, inter alia, activities, mutually agreed upon by the Parties, with the aim of:
  - (a) respecting and upholding the Universal Declaration of Human Rights and promoting and protecting civil, political, economic, social and cultural rights for all;
  - (b) addressing human rights globally in a fair and equitable manner, on an equal footing and with the same emphasis, recognising that all human rights are universal, indivisible, interdependent and interrelated;
  - (c) effectively implementing the international human-rights instruments and optional protocols applicable to each Party, as well as the recommendations emanating from the United Nations human-rights bodies and accepted by the Parties;

- (d) integrating the promotion and protection of human rights into internal policies and development plans;
- (e) raising awareness and promoting education in human rights, democracy and peace;
- (f) strengthening democratic and human-rights-related institutions, as well as the legal and institutional frameworks for the promotion and protection of human rights;
- (g) developing joint initiatives of mutual interest within the framework of relevant multilateral fora.

#### *Article 23*

##### **Good governance**

1. The Parties agree that cooperation in the field of good governance shall be based on strict respect for the principles of the UN Charter and international law.
2. Such cooperation activities may include, inter alia, activities, mutually agreed upon by the Parties, with the aim of:
  - (a) respecting the rule of law;
  - (b) promoting transparent, responsible, efficient, stable and democratic institutions;
  - (c) exchanging experiences and building capacity with regard to legal matters and judicial capacity;
  - (d) exchanging information concerning legal systems and legislation;
  - (e) promoting exchanges of best practices concerning good governance, accountability and transparent management at all levels;
  - (f) working jointly for more inclusive political processes that allow for genuine participation by all citizens.

#### *Article 24*

##### **Strengthening institutions and the rule of law**

The Parties shall attach particular importance to the consolidation of the rule of law, including access to justice and fair trial, as well as to the reinforcement of institutions at all levels in areas related to enforcement and the administration of justice.

#### *Article 25*

##### **Modernisation of public administration**

The Parties agree, with a view to modernising their public administration, to cooperate in, inter alia:

- (a) improving organisational efficiency;
- (b) increasing institutions' effectiveness in service delivery;
- (c) improving transparent management of public resources and accountability;
- (d) exchanging experiences with regard to improving the legal and institutional framework;
- (e) building capacities for, inter alia, policy design, implementation and evaluation regarding public-service delivery, digital government and anti-corruption;
- (f) exchanging views and best practices on public financial management;
- (g) reinforcing the processes of decentralisation in accordance with their national economic and social-development strategies.



*Article 26***Prevention and resolution of conflicts**

1. The Parties agree to exchange experiences and best practices related to the prevention and resolution of conflicts on the basis of a common understanding to address the root causes of conflict.
2. Cooperation in the area of prevention and resolution of conflicts shall aim to strengthen capacities to resolve conflicts and may include, inter alia, support for mediation, negotiation and reconciliation processes and wider efforts to support confidence and peace-building at regional and international levels.

*TITLE III***Promotion of justice, citizen security and migration***Article 27***Protection of personal data**

1. The Parties agree to cooperate in order to ensure a high level of protection for personal data in accordance with multilaterally agreed standards and other international legal instruments and practices.
2. Cooperation with regard to the protection of personal data may include, inter alia, capacity-building, technical assistance and the exchange of information, as mutually agreed by both Parties.

*Article 28***Illicit drugs**

1. The Parties shall cooperate in ensuring a comprehensive, integrated and balanced approach to preventing and addressing the global drug problem through effective action and coordination between the competent authorities, in particular in the areas of health, education, law enforcement, customs, social affairs, justice and home affairs, with the aim of eliminating or minimising production and reducing supply, trafficking, demand and possession in conformity with internal legislation on illicit drugs and with due regard to human rights. Such cooperation shall also aim to mitigate the effects of illicit drugs, to assist victims through the provision of non-discriminatory and inclusive treatment, to address the production and use of new psychoactive substances and to more effectively prevent the diversion of drug precursors used for the illicit manufacture of narcotic drugs and psychotropic substances.
2. The Parties shall agree on means of cooperation to attain the said objectives. Actions shall be based on commonly agreed principles in accordance with the relevant international conventions, particularly the three main UN drug control conventions of 1961, 1971 and 1988, the Political Declaration and the Declaration on the guiding principles of drug demand reduction approved by the United Nations General Assembly Special Session on Drugs in June 1998, the Political Declaration and Plan of Action adopted at the High-Level Segment of the 52nd session of the United Nations Commission on Narcotic Drugs in March 2009 and the outcome document adopted at the United Nations General Assembly Special Session on the world drug problem in April 2016.
3. Without prejudice to other cooperation mechanisms, the Parties agree that, at the inter-regional level, the Coordination and Cooperation Mechanism on Drugs between the European Union and Latin America and the Caribbean shall be used for this purpose, and agree to cooperate with a view to strengthening its effectiveness.
4. The Parties also agree to cooperate against crime-related drug trafficking, through increased coordination with relevant international bodies and instances, including, in the field of police and judicial cooperation.
5. The Parties will exchange experiences in areas such as policy, legislative and institutional development, training of personnel, drug-related research, prevention, treatment, rehabilitation and social reintegration of drug users, with the aim of minimising the adverse public health and social consequences of drug abuse.

*Article 29***Money laundering**

1. The Parties agree to cooperate in preventing and combating the use of their financial systems, institutions and designated non-financial businesses and professions for the laundering of the proceeds of criminal activities such as illicit drug trafficking and corruption and for the financing of terrorism.
2. Both Parties agree to exchange best practices, expertise, capacity-building initiatives and training, as mutually agreed, on technical and administrative assistance aimed at the development and implementation of regulations and the effective functioning of mechanisms to combat money laundering and financing of terrorism.
3. The cooperation shall focus on:
  - (a) exchanges of relevant information within the Parties' respective legislative frameworks;
  - (b) the adoption and the effective implementation of adequate standards to combat money laundering and the financing of terrorism equivalent to those adopted by relevant international bodies active in this area, such as, where appropriate, the Financial Action Task Force and the Financial Action Group for Latin America.

*Article 30***Organised crime**

1. The Parties agree to cooperate in preventing and combating organised crime, including transnational organised crime, and financial crime. To that end, they shall promote and exchange best practices and implement relevant agreed international standards and instruments, such as the United Nations Convention on Transnational Organized Crime and its supplementing Protocols and the United Nations Convention against Corruption.
2. The Parties also agree to cooperate in improving citizen security, in particular through support for security policies and strategies. Such cooperation shall contribute to crime prevention and could include activities such as regional cooperation projects between police and judicial authorities, training programmes and exchanges of best practices for criminal profiling. It shall also comprise, inter alia, exchanges of views on legislative frameworks as well as administrative and technical assistance aimed at strengthening the institutional and operational capabilities of law-enforcement authorities and the exchange of information and measures to strengthen cooperation related to investigations.

*Article 31***Fight against corruption**

1. The Parties shall cooperate with view to implementing and promoting relevant international standards and instruments, such as the United Nations Convention against Corruption.
2. The Parties shall in particular cooperate in:
  - (a) improving organisational effectiveness and guaranteeing transparent management of public resources and accountability, with the participation of the respective institutions established to fight against corruption;
  - (b) exchanging best practices for strengthening the relevant institutions, including law-enforcement authorities and the judiciary;
  - (c) prevent corruption and bribery in international transactions;
  - (d) evaluating the implementation of policies to combat corruption at local, regional, national and international level within the framework of the review mechanism for the implementation of the UN Convention against Corruption;
  - (e) encouraging actions that promote a culture of transparency, legality and a change in people's attitudes to corrupt practices;
  - (f) facilitating measures to identify and recover assets, promoting best practices and building capacity.

*Article 32***Illicit trade of small arms and light weapons**

1. The Parties agree to cooperate with regard to preventing and combating illicit trafficking in small arms and light weapons, including their parts, components and ammunition, in implementing the recognised framework of the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. In this context, they agree to cooperate in order to exchange experiences and training among competent authorities, including customs authorities, police and control.
2. As stated in the UN Programme of Action referred to in paragraph 1, the Parties, inter alia, reaffirm in this context the inherent right to individual or collective self-defence in accordance with Article 51 of the UN Charter as well as the right of each State to manufacture, import and retain small arms and light for its self-defence and security needs, as well as for its capacity to participate in peacekeeping operations in accordance with the UN Charter and based on the decision of each of the Parties.

*Article 33***Fight against terrorism**

1. The Parties will cooperate with regard to the combating of terrorism in implementing the framework and the standards agreed in Article 8.
2. The Parties shall also cooperate in ensuring that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in support of terrorist acts, is brought to justice. The Parties agree that the fight against terrorism shall be done in compliance with relevant United Nations resolutions while respecting the sovereignty of the Parties, due process, human rights and fundamental freedoms.
3. The Parties agree to cooperate in the prevention and suppression of acts of terrorism by means of police and judicial cooperation.
4. The Parties, committed to the UN Global Counter-Terrorism Strategy, should promote its balanced implementation and agree to perform actions referred to therein, where appropriate, in the most effective way to end the threat of terrorism.
5. The Parties also agree to cooperate within the framework of the United Nations in finalising the draft agreement on the comprehensive convention against international terrorism.

*Article 34***Migration, trafficking in persons and smuggling of migrants**

1. Cooperation shall be taken forward in the light of consultations between the Parties on their needs and positions and shall be implemented in accordance with the Parties' legislative frameworks. It will focus in particular on:
  - (a) the root causes of migration;
  - (b) the development and implementation of national legislation and practices with regard to international protection, in accordance with the principles and norms of international law, including the principle of international protection in those cases where this applies;
  - (c) the admission rules and rights and status of persons admitted, fair treatment and integration of legal residents into society, education and training of legal migrants and measures against racism and xenophobia and all applicable provisions regarding human rights of migrants;
  - (d) the evaluation of mechanisms and policies to facilitate the transfer of remittances;
  - (e) exchanges of views and best practices and discussion on matters of common interest related to circular migration and the prevention of brain drain;

- (f) the exchange of experiences and best practices, technical, technological, operational and judicial cooperation, as appropriate and mutually agreeable, on issues related to confronting the trafficking of persons and smuggling of migrants, including combating networks and criminal organisations of traffickers and smugglers and providing protection, assistance and support to the victims of such crimes;
  - (g) returns, under humane, secure and dignified conditions, of persons residing illegally on the territory of the other Party, with full respect for their human rights, including the promotion of their voluntary return and the readmission of such persons in accordance with paragraph 2;
  - (h) supportive measures aimed at the sustainable reintegration of returnees.
2. Within the framework of the cooperation to prevent and control illegal immigration and without prejudice to the need for protection of victims of trafficking in persons, the Parties further agree to:
- (a) identify their alleged nationals and readmit their nationals illegally present on the territory of a Member State of the European Union or Cuba within the time period and in accordance with the norms and procedures established by the applicable migration legislation of Member States of the European Union and Cuba, upon request and without undue delay and further formalities once nationality has been established;
  - (b) provide their nationals to be readmitted with appropriate identity documents for that purpose.
3. The Parties agree to negotiate, upon request and as soon as possible, an agreement regulating the specific obligations for the Member States of the European Union and Cuba on migration issues, including readmission.

#### *Article 35*

### **Consular protection**

Cuba agrees that the diplomatic and consular authorities of any represented Member State of the European Union shall provide protection to any national of another Member State which has no permanent representation effectively in a position to provide him or her with consular protection, on the same conditions as to nationals of that Member State of the European Union.

#### *Article 36*

### **Civil society**

The Parties recognise the potential contribution of civil society, including academia, think tanks and media, to the fulfilment of the objectives of this Agreement. They agree to promote actions in support of greater civil-society participation in the formulation and implementation of relevant development and sectoral cooperation activities, including through capacity-building.

#### *TITLE IV*

### ***Social development and social cohesion***

#### *Article 37*

### **Social development and social cohesion**

1. The Parties, acknowledging that social development should progress in parallel with economic development, agree to cooperate in enhancing social cohesion through the reduction of poverty, injustice, inequality and social exclusion, in particular with a view to the fulfilment of the objectives of the 2030 Agenda for Sustainable Development and of the internationally agreed objective of promoting decent work for all. In order to accomplish those objectives, the Parties shall mobilise significant financial resources, from both cooperation and internal resources.
2. For that purpose, the Parties shall cooperate in order to promote and to exchange best practices concerning:
- (a) economic policies with a social vision oriented to a more inclusive society with a better income distribution in order to reduce inequality and inequity;

- (b) trade and investment policies, bearing in mind the link between trade and sustainable development, fair trade, the development of rural and urban State and non-State enterprises and their representatives' organisations and corporate social responsibility;
  - (c) equitable and sound fiscal policies, allowing for a better redistribution of wealth and ensuring adequate levels of social expenditure;
  - (d) efficient public social expenditure linked to clearly identified social objectives, moving towards a result-oriented approach;
  - (e) the improvement and consolidation of effective social policies and equitable access to social services for all in a variety of sectors, such as education, health, nutrition, sanitation, housing, justice and social security;
  - (f) employment policies directed towards decent work for all in compliance with international and national labour standards and the creation of economic opportunities with a particular focus on the poorest and most vulnerable groups and the most disadvantaged regions;
  - (g) more inclusive and comprehensive social-protection schemes with regard to, inter alia, pensions, health, accidents and unemployment, on the basis of the solidarity principle and the principle of non-discrimination;
  - (h) strategies and policies to combat xenophobia and discrimination on the grounds of, inter alia, gender, race, belief, ethnicity or disability;
  - (i) specific policies and programmes dedicated to young people in order to promote their full integration into economic, political and social life.
3. The Parties agree to stimulate the exchange of information and experiences on social development and cohesion aspects of internal plans or programmes.

#### *Article 38*

### **Employment and social protection**

The Parties agree to cooperate in order to promote employment and social protection through actions and programmes that aim, in particular, to:

- (a) ensure decent work for all;
- (b) create more inclusive and well-functioning labour markets;
- (c) extend social-protection coverage;
- (d) promote social dialogue;
- (e) ensure respect for the core labour standards identified in the International Labour Organization's Conventions;
- (f) address issues relating to the informal economy;
- (g) give special attention to disadvantaged groups and to the fight against discrimination;
- (h) develop the quality of human resources through the improvement of education and training, including effective vocational training;
- (i) improve health and security conditions at work, in particular by strengthening labour inspectorates and supporting health and safety improvements;
- (j) stimulate job creation and entrepreneurship by strengthening the institutional framework necessary for the creation of enterprises and the facilitation of access to credit.

#### *Article 39*

### **Education**

1. The Parties agree to share experiences and best practices with regard to the continued development of education at all levels.

2. The Parties agree that cooperation shall support the development of human resources at all levels of education, particularly on the higher education level, including special needs. The Parties shall promote the exchange of students, researchers and academics through existing programmes and enhance capacity development in order to modernise their higher education systems.

#### *Article 40*

### **Public health**

1. The Parties agree to cooperate in areas of common interest concerning the health sector, in particular scientific research, the management of health systems, nutrition, pharmaceutical products, preventive medicine and sexual and reproductive health, including the prevention and control of communicable diseases such as HIV/AIDS, non-communicable diseases such as cancer and heart diseases, and other major health threats, such as dengue, chikungunya and zika. The Parties also agree to cooperate in promoting the implementation of international health agreements to which they are parties.

2. The Parties agree to pay special attention to regional actions and programmes implemented in the area of public health.

#### *Article 41*

### **Consumer protection**

The Parties agree to cooperate on consumer protection issues with a view to protecting human health and consumer interests.

#### *Article 42*

### **Culture and heritage**

1. The Parties shall undertake to promote cooperation in the field of culture, including cultural heritage, with due respect for their diversity. In conformity with their respective legislation, such cooperation shall enhance mutual understanding and intercultural dialogue and foster balanced cultural exchanges and contact with relevant actors, including civil-society organisations of both Parties.

2. The Parties shall promote cooperation in the fields of art, literature and music, including through the exchange of experiences.

3. Cooperation between the Parties shall take place in accordance with the relevant internal copyright provisions and other provisions concerning cultural matters, as well as international agreements to which they are parties.

4. The Parties agree to promote cooperation with regard to restoration and the sustainable management of heritage. Cooperation shall include, inter alia, the safeguarding and promotion of natural and cultural tangible and intangible heritage, including the prevention of and action against the illicit traffic of cultural heritage, in accordance with relevant international instruments.

5. The Parties agree to promote cooperation in the audiovisual and media sectors, including radio and press, through joint initiatives in training as well as audiovisual development, production and distribution activities, including in the fields of education and culture.

6. The Parties shall encourage coordination in the context of UNESCO, with a view to promoting cultural diversity, inter alia via consultations on the ratification and implementation of the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions. Cooperation shall also include promotion of cultural diversity.

*Article 43***People in a situation of vulnerability**

1. The Parties agree that cooperation for the benefit of vulnerable persons shall give priority to measures, including innovative policies and projects, involving persons in a situation of vulnerability. It should aim to promote human development, improve living conditions and promote their full integration into society.
2. Cooperation shall include the exchange of experiences on the protection of human rights, the promotion and implementation of policies to guarantee equal opportunities for persons in a situation of vulnerability, the creation of economic opportunities and the promotion of specific social policies aimed at the development of human capacities through education and training, access to basic social services, social safety nets and justice, with a particular focus on, inter alia, the disabled and their families, children and the elderly.

*Article 44***Gender perspective**

1. The Parties agree that cooperation shall help to strengthen policies, programmes and mechanisms that aim to ensure, improve and expand the equal participation of, and opportunities for, men and women in political, economic, social and cultural life, in particular with a view to the effective implementation of the Convention on the Elimination of All Forms of Discrimination against Women and the Beijing Declaration and Platform for Action. Where appropriate, affirmative action in support of women shall be taken.
2. Cooperation shall promote the integration of the gender perspective in all the relevant fields of cooperation, including public policy, development strategies and actions as well as indicators to measure their impact.
3. Cooperation shall also help to facilitate equal access for men and women to all services and resources allowing them to fully exercise their fundamental rights, such as in respect of education, health, vocational training, employment opportunities, political decision-making, governance structures and private undertakings.
4. Particular attention shall be given to programmes aimed at preventing and addressing all forms of violence against women.

*Article 45***Youth**

1. The cooperation between the Parties shall support all relevant respective youth-related policies. It shall include support for training and employment, family policies and education, as well as providing job opportunities for young people and fostering the exchange of experiences on programmes for prevention of juvenile delinquency and reinsertion into economic and social life.
2. The Parties agree to promote the active participation of young people in society, including in the shaping of policies that contribute to the development of young people and have an impact on their lives.
3. Both sides agree to promote the implementation of programmes to foster cooperation between youth organisations, including exchange programmes.

*Article 46***Local community development**

1. The Parties agree to cooperate in promoting sustainable local community development, by way of integrated actions boosting initiatives of the various local economic development champions and fostering the absorption of existing resources at local community level.

2. Cooperation could support actions such as:
  - (a) local initiatives in accordance with the respective territorial strategic plan;
  - (b) the strengthening of economic management capacities of local productive entities and service providers.

#### TITLE V

### ***Environment, disaster risk management and climate change***

#### *Article 47*

### **Cooperation on environment and climate change**

1. The Parties agree to cooperate in order to protect and improve the quality of the environment at local, regional and global level with a view to achieving sustainable development.
2. The Parties, mindful of the impact of this Agreement, shall pay due attention to the relationship between development and the environment. Parties shall work to make use of the investment opportunities offered by clean technologies.
3. Cooperation shall also facilitate progress in relevant international conferences and promote the effective implementation of multilateral agreements and the principles agreed therein in areas such as biodiversity, climate change, desertification, drought and chemicals management.
4. Cooperation shall in particular address:
  - (a) conservation and the sustainable management of natural resources, biodiversity and ecosystems, including forests and fisheries, as well as the services they provide;
  - (b) the fight against the pollution of fresh and marine waters, air and soil, including through the sound management of waste, sewage waters, chemicals and other dangerous substances and materials;
  - (c) global issues such as climate change, the depletion of the ozone layer, desertification and drought, deforestation, the protection of coastal zones, the conservation of biodiversity and biosafety.
5. In this context, cooperation shall seek to facilitate joint initiatives in the area of climate-change mitigation and adaptation, including the strengthening of policies to address climate change.
6. Cooperation may involve measures such as:
  - (a) promoting policy dialogue and its implementation, exchanging information and experience on environmental legislation, technical rules and cleaner production and on best environmental practices, as well as capacity-building with a view to strengthening environmental management and monitoring and control systems in all sectors at all levels of government;
  - (b) transferring and using sustainable clean technology and know-how, including the creation of incentives and mechanisms for innovation and environmental protection;
  - (c) integrating environmental considerations into other policy areas, including land-use management;
  - (d) promoting sustainable production and consumption patterns, including through the sustainable use of ecosystems, services and goods;
  - (e) Promoting environmental awareness and education as well as the enhanced participation of civil society, in particular local communities, in environmental protection and sustainable development efforts;
  - (f) encouraging and promoting regional cooperation in the field of environmental protection;
  - (g) assisting in the implementation and enforcement of those multilateral environmental agreements to which the Parties are parties.



*Article 48***Disaster risk management**

1. The Parties recognise the need to manage all disaster risks affecting the territory of one or more States. The Parties affirm their common commitment to improving prevention, mitigation, preparedness, response and recovery measures in order to increase the resilience of their societies and infrastructure, and to cooperate, where appropriate, at bilateral and multilateral political level to improve disaster-risk-management outcomes.
2. The Parties agree that cooperation in the field of disaster risk management shall aim to reduce vulnerability and risks, increase monitoring and early-warning capacities and increase the resilience of Cuba to disasters, inter alia, through support for internal efforts, as well as for the regional framework for the reduction of vulnerability and response to disasters, in order to strengthen regional research and disseminate best practices, drawing from lessons learnt in disaster risk reduction, preparedness, planning, prevention, mitigation, response and recovery.

*Article 49***Water and sanitation**

1. The Parties recognise the need to ensure the availability and sustainable management of the water supply and of sanitation for all and, as a result, they agree to cooperate with regard to, inter alia:
  - (a) capacity-building for the efficient management of the water supply and sanitation networks;
  - (b) the effects of water quality on health indicators;
  - (c) the modernisation of the technology related to water quality, from monitoring to laboratories;
  - (d) education programmes promoting the need for the conservation, rational use and integrated management of water resources.
2. The Parties agree to pay special attention to the regional actions and cooperation programmes in this sector.

*TITLE VI***Economic development***Article 50***Agriculture, rural development, fisheries and aquaculture**

1. The Parties agree to cooperate in the fields of agriculture, rural development, fisheries and aquaculture with regard to, inter alia:
  - (a) improving productivity and production;
  - (b) increasing the quality of agricultural, fisheries and aquaculture products;
  - (c) developing urban and suburban agriculture;
  - (d) strengthening productive chains;
  - (e) rural development;
  - (f) promoting healthy habits to raise the nutrition level;
  - (g) developing agricultural and fisheries markets, wholesale markets and access to financial credit;
  - (h) promoting business development services for cooperatives, small private farms and small-scale fishing communities;
  - (i) developing their markets and promoting international trade relations;
  - (j) developing organic production;

- (k) developing sustainable agriculture and aquaculture integrating environment requirements and challenges;
  - (l) promoting science, technology and innovation relevant to agriculture and rural development, fishing and aquaculture, as well as industrial processing of these resources;
  - (m) promoting the sustainable exploitation and management of fish resources;
  - (n) promoting best practices in fisheries management;
  - (o) improving data collection in order to take into account the best available scientific information for resource fish stock assessment and management;
  - (p) strengthening the monitoring, control and surveillance system in fisheries;
  - (q) fighting illegal, unreported and unregulated fishing activities;
  - (r) strengthening cooperation to ensure increased capacity to develop value-added technologies for the processing of fishery and aquaculture products.
2. The cooperation may involve, inter alia, providing technical expertise, providing support, building capacity and exchanging information and experiences. The Parties agree to promote institutional cooperation and reinforce cooperation within international organisations and with internal and regional fisheries management organisations.
3. The Parties shall encourage, for disaster-prone areas, risk analysis and adequate measures to increase resilience in the framework of food security and agriculture cooperation.

#### *Article 51*

#### **Sustainable tourism**

1. The Parties recognise the importance of the tourism sector for the social and economic development of local communities and the great economic potential of both regions for developing businesses in this field.
2. For this purpose, they agree to cooperate in promoting sustainable tourism, in particular to support:
- (a) the development of policies to optimise the socio-economic benefits of tourism;
  - (b) the creation and consolidation of tourism products through the provision of non-financial services, training and technical assistance and services;
  - (c) the integration of environmental, cultural and social considerations into the development of the tourism sector, including both the protection and the promotion of cultural patrimony and natural resources;
  - (d) the involvement of local communities in the process of tourism development, in particular rural and community tourism and ecotourism;
  - (e) marketing and promotion strategies, the development of institutional capacity and human resources, and the promotion of international standards;
  - (f) the promotion of public-private cooperation and association;
  - (g) the development of managing plans for internal and regional tourism development;
  - (h) the promotion of information technology in the area of tourism.

*Article 52***Cooperation in science, technology and innovation**

1. The Parties shall aim to develop scientific, technological and innovation capacities covering all the activities that fall within the established mechanisms or cooperation agreements of mutual interest. To that end, the Parties shall foster the exchange of information and the participation of its research entities and the technological development with regard to the following cooperation activities, in compliance with their internal rules:
  - (a) the exchange of information concerning their respective science and technology policies;
  - (b) joint research and development activities aimed at encouraging scientific progress and the transfer of technology and know-how, including in the use of information and communication technologies.
2. Special emphasis shall be put on the building of human potential as a long-lasting basis for scientific and technological excellence, and on the creation of sustainable links between the scientific and technological communities of the Parties, at both internal and regional levels. To that end, exchanges of researchers and best practices in research projects shall be promoted.
3. Research centres, higher-education institutions and other stakeholders located in the European Union and Cuba shall be involved in cooperation in science, technology and research where appropriate.
4. The Parties agree to use all mechanisms to increase the quantity and quality of highly qualified professionals, including through training, collaborative research, scholarships and exchanges.
5. The Parties shall promote the participation of their respective entities in each other's scientific and technological programmes in pursuit of mutually beneficial scientific excellence and in accordance with their respective provisions governing the participation of entities from third countries.

*Article 53***Technology transfer**

1. Recognising the importance of cooperation and technical assistance in the field of technology transfer, including automatization processes, the Parties agree to cooperate in promoting the transfer of technology through academic or professional programmes dedicated to the transfer of knowledge between them.
2. The European Union shall facilitate and promote the access of Cuba to research and development programmes targeting, inter alia, technology development.

*Article 54***Energy, including renewable energy**

1. Recognising the growing importance of renewable energy and energy-efficiency solutions for sustainable development, the Parties agree that their joint objective shall be to foster cooperation in the field of energy, in particular with regard to, inter alia, sustainable, clean and renewable energy sources, energy efficiency, energy-saving technology, rural electrification and regional integration of energy markets, as identified by the Parties and in compliance with internal legislation.
2. Cooperation may include, inter alia:
  - (a) policy dialogue and cooperation in the energy sector, in particular regarding the improvement and diversification of energy supply and the improvement of energy markets, including generation, transmission and distribution;
  - (b) capacity-building programmes, transfer of technology and know-how, including work on emission standards, in the energy sector, in particular regarding energy efficiency and sector management;
  - (c) the promotion of energy saving, energy efficiency, renewable energy and studies on the environmental impact of energy production and consumption, in particular on biodiversity, forestry and land-use change;

- (d) the development of renewable-energy and energy-efficiency pilot projects, in particular in the areas of solar, wind, biomass, hydro-, sea-wave and tidal energy;
- (e) programmes to improve the population's general awareness and knowledge of renewable energies and energy efficiency;
- (f) the recycling or energetic use of solid and liquid waste.

#### *Article 55*

### **Transport**

1. The Parties agree that cooperation in the field of transport shall focus on restructuring and modernising transport and related infrastructure systems, facilitating and improving the movement of passengers and goods and providing better access to urban, air, maritime, inland-waterway, rail and road-transport markets by refining the management of transport from operational and administrative perspectives and by promoting high operating standards.
2. Cooperation may include the following:
  - (a) exchanges of information on the Parties' policies, especially regarding urban transport and the interconnection and interoperability of multimodal transport networks and other issues of mutual interest;
  - (b) the management of inland waterways, roads, railways, ports and airports, including appropriate cooperation between the relevant authorities;
  - (c) projects for the transfer of European technology for the global navigation satellite system and for urban public transport centres;
  - (d) the improvement of safety and pollution-prevention standards, including cooperation in the appropriate international fora that aim to ensure better enforcement of international standards;
  - (e) activities that promote the development of aeronautical and maritime transport.

#### *Article 56*

### **Modernisation of the economic and social model**

1. The Parties agree to develop cooperation actions to support the strengthening and modernisation of the Cuban public administration and the Cuban economy. They agree to support the development of enterprises and cooperatives, with special emphasis on local development.
2. This cooperation could be developed in areas of mutual interest, such as:
  - (a) macroeconomic policies, including fiscal policies;
  - (b) statistics;
  - (c) trade information systems;
  - (d) trade-facilitation measures;
  - (e) quality systems and standards;
  - (f) support for local development initiatives;
  - (g) agro-industrial development;
  - (h) State control and oversight;
  - (i) the organisation and functioning of enterprises, including public enterprises.

3. The Parties agree to promote and encourage cooperation between institutions, including sector-based institutions, that promote instruments to support SMEs, particularly those whose efforts are aimed at improving competitiveness, technological innovation, integration in value chains, access to credit and training as well as strengthening the institutional capacity and institutional framework. They also agree to promote contacts between companies from both Parties to support their insertion into international markets, investments and technology transfer.

#### *Article 57*

##### **Statistics**

1. The Parties agree to cooperate in order to develop better statistical methods and programmes in accordance with internationally accepted standards, including gathering, processing, quality control and dissemination of statistics, aimed at generating indicators with enhanced comparability between the Parties, thus enabling the Parties to identify the requirements of statistical information in the fields covered by this Agreement. The Parties acknowledge the usefulness of bilateral cooperation to support these objectives.

2. This cooperation could include, among other subjects: technical exchanges between the National Statistics and Information Office of Cuba and statistical offices in the Member States of the European Union and Eurostat, including the exchange of scientists; the development of improved and consistent methods of data collection, disaggregation, analysis and interpretation; and the organisation of seminars, working groups or programmes complementing statistical capacities.

#### *Article 58*

##### **Good governance in taxation**

1. The Parties recognise and commit themselves to implementing the principles of good governance in taxation, i.e. transparency, the exchange of information and fair tax competition.

2. In accordance with their respective competences, the Parties shall improve international cooperation in taxation, facilitate the collection of legitimate tax revenues and develop measures for the effective implementation of the minimum standards of good governance in taxation.

#### *TITLE VII*

##### ***Regional integration and cooperation***

#### *Article 59*

##### **Regional cooperation**

1. Cooperation shall support activities linked to the development of regional cooperation between Cuba and its Caribbean neighbours, in the context of CARIFORUM, in particular in the priority areas identified in the Joint Caribbean-EU Partnership Strategy. Activities could also contribute to the strengthening of the process of regional integration in the Caribbean.

2. Cooperation shall reinforce the involvement of all sectors, including civil society, in the regional cooperation and integration process, in accordance with the conditions defined by the Parties, and include support for consultation mechanisms and awareness campaigns.

3. The Parties agree to use all existing cooperation instruments to promote activities aimed at developing active cooperation between the European Union and Cuba, between the Cuba and other countries and/or regions in Latin America and the Caribbean in all cooperation areas subject to this Agreement. Special attention will be paid to regional cooperation programmes concerning research and innovation and education, and to continue developing the European Union-Latin America and Caribbean (EU-LAC) Knowledge Area with initiatives such as the Common Research Area and the Common Higher Education Area. Regional and bilateral cooperation activities shall seek to be complementary.

4. The Parties shall seek to exchange views and cooperate with a view to agreeing and developing joint actions in multilateral fora.

## PART IV

## TRADE AND TRADE COOPERATION

## Article 60

**Objectives**

The Parties agree that the objectives of their cooperation in the trade area shall include, in particular:

- (a) strengthening their trade and economic relations, in particular through the promotion of dialogue on trade matters and the encouragement of increased trade flows between the Parties;
- (b) promoting the integration of Cuba into the world economy;
- (c) fostering the development and diversification of intraregional trade as well as trade with the European Union;
- (d) enhancing the contribution of trade to sustainable development, including environmental and social aspects;
- (e) supporting the diversification of the Cuban economy and the promotion of an appropriate business climate;
- (f) encouraging a greater flow of investment by developing an attractive and stable environment for reciprocal investment through a consistent dialogue aimed at enhancing understanding and cooperation on investment issues, and promoting a non-discriminatory investment regime.

## TITLE I

**Trade**

## Article 61

**Rule-based trade**

1. The Parties recognise that the substantial reduction of tariffs and other barriers to trade, as well as the elimination of discriminatory treatment in international trade relations, serve as a vehicle for promoting growth, economic diversification and prosperity.
2. The Parties reaffirm that it is in their mutual interest to conduct trade in accordance with a rule-based multilateral trading system under which the Parties are responsible for maintaining the primacy of rules and their effective, fair and balanced implementation.

## Article 62

**Most-favoured-nation treatment**

1. Each Party shall accord most-favoured-nation treatment to goods of the other Party in accordance with Article I of the General Agreement on Tariffs and Trade (GATT) 1994 and its interpretative notes, which are incorporated into and made part of this Agreement, *mutatis mutandis*.
2. Paragraph 1 shall not apply in respect of preferential treatment accorded by either Party to goods of another country in accordance with the WTO Agreements.

## Article 63

**National treatment**

Each Party shall accord national treatment to the goods of the other Party in accordance with Article III of the GATT 1994 and its interpretative notes, which are incorporated into and made part of this Agreement, *mutatis mutandis*.

*Article 64***Transparency**

1. The Parties reaffirm the principle of transparency in the application of their trade measures and agree that policies and regulations affecting foreign trade should be clearly communicated and explained.
2. The Parties agree that stakeholders should have the opportunity to be informed of each Party's regulations affecting international trade.

*Article 65***Trade facilitation**

The Parties confirm their commitment to the WTO Trade Facilitation Agreement.

*Article 66***Technical barriers to trade**

1. The Parties reaffirm their rights and obligations under the WTO Agreement on Technical Barriers to Trade ('the TBT Agreement').
2. The provisions of this Article shall apply to technical regulations, standards and conformity-assessment procedures as defined in the TBT Agreement.
3. The Parties recognise the importance of effective mechanisms for notification and the exchange of information regarding technical regulations, standards and conformity-assessment procedures, in accordance with the TBT Agreement.

*Article 67***Sanitary and phytosanitary (SPS) measures**

1. The Parties reaffirm the rights, obligations, principles and objectives of the Agreement on the application of sanitary and phytosanitary measures, the International Plant Protection Convention, the CODEX Alimentarius Commission and the World Organisation for Animal Health.
2. The Parties recognise the importance of effective mechanisms for consultation, notification and the exchange of information with regard to SPS and animal welfare measures, in the framework of competent international organisations.

*Article 68***Trade defence**

The Parties reaffirm their commitments and obligations under the following WTO agreements: the Agreement on Safeguards, the Agreement on Subsidies and Countervailing Measures and the Agreement on Implementation of Article VI of the GATT 1994.

*Article 69***Revision clause**

The Parties may by mutual consent amend and revise this Part with a view to deepening their trade and investment relationship.

*Article 70***General exceptions clause**

The Parties affirm that their existing rights and obligations under Article XX of GATT 1994 and its interpretative notes are incorporated into and made part of this Agreement, *mutatis mutandis*.

*TITLE II***Trade-related cooperation***Article 71***Customs**

1. The Parties shall promote and facilitate cooperation between their respective customs services in order to guarantee border security, the simplification of customs procedures and the facilitation of legitimate trade while retaining their control capabilities.
2. The cooperation shall give rise, among others, to:
  - (a) exchanges of information concerning customs legislation and procedures, particularly in the following areas:
    - (i) the simplification and modernisation of customs procedures,
    - (ii) the facilitation of transit movements,
    - (iii) the enforcement of intellectual property rights by the customs authorities,
    - (iv) relations with the business community,
    - (v) the free circulation of goods and regional integration,
    - (vi) organisation regarding customs control at borders;
  - (b) the development of joint initiatives in mutually agreed areas;
  - (c) the promotion of coordination between all relevant border agencies, both internally and across borders.
3. The Parties shall provide mutual administrative assistance in customs matters. To that end, they may establish bilateral instruments by mutual agreement.

*Article 72***Cooperation regarding trade facilitation**

1. The Parties confirm their commitment to reinforcing cooperation in the area of trade facilitation with a view to ensuring that the relevant legislation, the relevant procedures and the administrative capacity of the customs authorities contribute to the fulfilment of the objectives of effective control and the facilitation of trade.
2. The Parties agree to cooperate, inter alia, in the following areas:
  - (a) capacity-building and providing expertise to the competent authorities on customs issues, including certification and verification of origin, and on technical matters to enforce regional customs procedures;
  - (b) the application of mechanisms and modern customs techniques, including risk assessment, advance binding rulings, simplified procedures for the entry and release of goods, customs controls and company audit methods;
  - (c) the introduction of procedures and practices which reflect, as far as practicable, international rules, instruments and standards applicable in the field of customs and trade, including, inter alia, the WTO Trade Facilitation Agreement, the International Convention on the Simplification and Harmonization of Customs Procedures, as amended (Revised Kyoto Convention), and the World Customs Organisation's Framework of Standards to Secure and Facilitate Global Trade;
  - (d) information systems and the automation of customs and other trade procedures, particularly for the implementation of trade-facilitation measures for authorised operators and information services.



*Article 73***Intellectual property**

1. The Parties recognise the importance of technical cooperation in intellectual property, including the protection of geographical indications, and agree to cooperate in the terms and conditions mutually agreed on resulting specific cooperation projects in accordance with internal legislation of the Parties and in accordance with international agreements to which they are parties.
2. The Parties agree to promote institutional cooperation, information exchange, technical assistance, capacity-building and training. The Parties agree that technical cooperation shall be pursued in accordance with their socio-economic development levels, priorities and development needs.
3. The Parties agree that cooperation shall contribute to the promotion of technological innovation and to the transfer and dissemination of technology, to the mutual advantage of producers and users of technological knowledge and in a manner conducive to social and economic welfare, and to a balance of rights and obligations.

*Article 74***Cooperation regarding technical barriers to trade**

1. The Parties recognise the importance of cooperation and technical assistance with regard to technical barriers to trade and agree to promote cooperation between their authorities responsible for standardisation, metrology, accreditation and conformity-assessment.
2. The Parties agree to cooperate, inter alia, in:
  - (a) building capacity and providing expertise, including the development and strengthening of relevant infrastructure, as well as providing training and technical assistance in the areas of technical regulations, standardisation, conformity assessment, accreditation and metrology, inter alia with a view to facilitating the comprehension of, and compliance with, European Union requirements;
  - (b) promoting the cooperation of competent authorities in the framework of relevant international organisations;
  - (c) exchanging information, experiences and best practices;
  - (d) developing common views;
  - (e) seeking compatibility between and convergence on technical regulations and conformity assessment procedures;
  - (f) removing unnecessary barriers to trade.

*Article 75***Food safety, SPS matters and animal-welfare issues**

1. The Parties shall promote cooperation and coordination between the competent authorities, including in the framework of relevant international organisations, with regard to food-safety, SPS matters and animal-welfare in order to benefit their bilateral trade relations. They shall foster cooperation with the purpose of recognising the equivalence and harmonisation of SPS measures, and provide advice and technical assistance on the implementation of such measures.
2. The aim of cooperation with regard to food-safety, SPS matters and animal welfare shall be to strengthen each Party's capacities in order to improve access to the other Party's market whilst safeguarding the level of protection for humans, animals and plants, as well as animal welfare.
3. Cooperation may involve, inter alia:
  - (a) providing expertise on legislative and technical capacity to develop and enforce legislation as well as to develop official SPS control systems, including eradication programmes, food-safety systems and alert notification, and providing expertise on animal welfare;
  - (b) supporting the development and strengthening of institutional and administrative capacities in Cuba, including control capacities, in order to improve its SPS status;

- (c) developing capacities in Cuba to meet SPS requirements in order to improve access to the other Party's market while safeguarding the level of protection;
- (d) strengthening the official control system for exports to the European Union through increased analytical capabilities and management of national laboratories to meet the requirements of European Union's legislation;
- (e) providing advice and technical assistance on the European Union SPS regulatory system and the implementation of the standards required by the European Union market;
- (f) promoting cooperation within relevant international organisations (SPS Committee of the WTO Agreement on Sanitary and Phytosanitary Measures, the International Plant Protection Convention, the World Organisation for Animal Health and the CODEX Alimentarius Commission) with a view to increasing the application of international standards.

#### *Article 76*

### **Traditional and artisanal goods**

The Parties recognise the importance of cooperation promoting production of traditional and artisanal goods.

More specifically, cooperation could focus in the following areas:

- (a) developing capacities to facilitate effective market-access opportunities for artisanal goods;
- (b) supporting micro-, small and medium-sized enterprises from urban and rural sectors that manufacture and export artisanal goods, including by strengthening competent support institutions;
- (c) promoting the preservation of traditional goods;
- (d) improving the business performance of the producers of artisanal goods.

#### *Article 77*

### **Trade and sustainable development**

1. The Parties recognise the contribution to the goal of sustainable development that can be made by promoting mutually supportive trade, environmental and social policies.
2. To complement the activities set out in Titles III and IV of Part III, the Parties agree to cooperate in, inter alia:
  - (a) developing programmes and actions regarding the implementation and enforcement of trade-related aspects of multilateral environmental agreements and environmental laws;
  - (b) supporting the development of an enabling framework for trade in goods and services contributing to sustainable development, including through the dissemination of corporate-social-responsibility practices;
  - (c) promoting trade in products derived from sustainably managed natural resources, including through effective measures regarding the conservation and sustainable management of wildlife, fisheries and forestry as well as developing measures to combat illegal trade with environmental relevance, including through enforcement activities and customs cooperation;
  - (d) strengthening institutional capacity for analysis and action on trade and sustainable development.

#### *Article 78*

### **Cooperation regarding trade defence**

The Parties agree to cooperate in the area of trade defence through the exchange of experiences, technical assistance and capacity-building.

*Article 79***Rules of origin**

The Parties recognise that rules of origin play an important role in international trade and agree to cooperate by providing technical assistance and building capacity, and by exchanging experiences in that area.

*Article 80***Investment**

The Parties shall encourage a greater flow of investment through mutual knowledge of relevant legislation and the development of an attractive and predictable environment for reciprocal investment through a dialogue aimed at enhancing understanding and cooperation on investment issues and promoting a stable, transparent and non-discriminatory business and investment regime.

## PART V

**INSTITUTIONAL AND FINAL PROVISIONS***Article 81***Joint Council**

1. A Joint Council is hereby established. It shall oversee the fulfilment of the objectives of this Agreement and supervise its implementation. It shall meet at ministerial level at regular intervals, not exceeding a period of two years, and extraordinarily whenever circumstances so require, if the Parties so agree.
2. The Joint Council shall examine any major issue arising within the framework of this Agreement, as well as any other bilateral, multilateral or international question of common interest.
3. The Joint Council shall be composed of representatives of the Parties at ministerial level, in accordance with the Parties' respective internal arrangements and taking into consideration the specific issues to be addressed.
4. The Joint Council shall establish its own rules of procedure.
5. The Joint Council shall be chaired alternately, from one meeting to the next, by a representative of the European Union and a representative of the Republic of Cuba, in accordance with the provisions laid down in its rules of procedure.
6. In order to attain the objectives of this Agreement, the Joint Council shall have the power to take decisions. Such decisions shall be binding on the Parties, which shall take all measures necessary to implement them.
7. The Joint Council may also make appropriate recommendations.
8. The Joint Council shall adopt decisions and recommendations by mutual agreement between the Parties. This procedure shall apply to all other governing bodies created by this Agreement.

*Article 82***Joint Committee**

1. The Joint Council shall be assisted in the performance of its duties by a Joint Committee, which shall be composed of representatives of the Parties at senior official level, taking into consideration the specific issues to be addressed.
2. The Joint Committee shall be responsible for the general implementation of this Agreement.
3. The Joint Council shall establish the rules of procedure of the Joint Committee.
4. The Joint Committee shall have the power to take decisions where such power has been delegated to it by the Joint Council.

5. The Joint Committee shall normally meet once a year for an overall review of the implementation of this Agreement, in Brussels and Cuba alternately, on a date and with an agenda agreed in advance by the Parties. Special meetings may be convened, by mutual agreement, at the request of either of the Parties. The Joint Committee shall be chaired alternately, from one meeting to the next, by a representative of the Union and a representative of the Republic of Cuba.

#### *Article 83*

##### **Subcommittees**

1. The Joint Committee may decide to set up subcommittees to be assisted in the performance of its duties. It may decide to change the task assigned to or dissolve any subcommittee.
2. Subcommittees shall meet once per year or at the request of either Party or of the Joint Committee, at an appropriate level. When in person, meetings shall be held alternately in Brussels or Cuba. Meetings may also be held by any technological means available to the Parties.
3. The subcommittees shall be chaired alternately by a representative of the Parties, for a period of one year.
4. The creation or existence of a subcommittee shall not prevent the Parties from bringing any matter directly to the Joint Committee.
5. The Joint Committee shall adopt rules of procedure which determine the composition and duties of such subcommittees and how they shall function, insofar as not provided for by this Agreement.
6. A Cooperation Subcommittee is hereby established. It shall assist the Joint Committee in the performance of its duties regarding Part III of this Agreement. It shall also:
  - (a) attend any cooperation-related matter mandated by the Joint Committee;
  - (b) follow up on the overall implementation of Part III of this Agreement;
  - (c) discuss any related cooperation issues that may affect the operation of Part III of this Agreement.

#### *Article 84*

##### **Definition of ‘the Parties’**

For the purposes of this Agreement, the term ‘the Parties’ means the European Union or its Member States, or the European Union and its Member States, in accordance with their respective competences, on the one hand, and the Republic of Cuba, on the other.

#### *Article 85*

##### **Fulfilment of obligations**

1. The Parties shall adopt any general or specific measures required for them to fulfil their obligations under this Agreement, and shall ensure that they comply with the objectives laid down in this Agreement.
2. If a Party considers that another Party has failed to fulfil an obligation under this Agreement, it may have recourse to appropriate measures. Before doing so, except in cases of special urgency, it shall submit to the Joint Council within 30 days all relevant information required for a thorough examination of the situation with a view to seeking a solution acceptable to the Parties. In selecting which measures to adopt, priority shall be given to those which are least disruptive to the implementation of this Agreement. Such measures shall be notified immediately to the other Party and shall be the subject of consultations in the Joint Committee if the other Party so requests.
3. The Parties agree that the term ‘cases of special urgency’ in paragraph 2 means a case of material breach of this Agreement by one of the Parties. The Parties further agree that the term ‘appropriate measures’ referred to in paragraph 2 means measures taken in accordance with international law. It is understood that suspension would be a measure of last resort. A material breach of this Agreement consists in:
  - (a) repudiation of all or part of this Agreement not sanctioned by general rules of international law;

(b) violation of the essential elements of this Agreement, as described in Article 1(5) and Article 7.

4. If a Party has recourse to a measure in a case of special urgency, the other Party may request that an urgent meeting be called to convene the Parties within 15 days.

#### *Article 86*

### **Entry into force, provisional application, duration and termination**

1. This Agreement shall be approved by the Parties in accordance with their own internal legal procedures.
2. This Agreement shall enter into force on the first day of the second month following the date on which the Parties have notified each other of the completion of the internal legal procedures referred to in paragraph 1.
3. Notwithstanding paragraph 2, the European Union and Cuba shall apply this Agreement, wholly or in part, on a provisional basis, as set out in this paragraph, pending its entry into force and in accordance with their respective internal procedures and legislation, as applicable.

Provisional application begins on the first day of the second month following the date on which the European Union and Cuba notify each other of the following:

- (a) for the Union, the completion of the internal procedures necessary for this purpose, indicating the parts of the Agreement that shall be provisionally applied; and
  - (b) for Cuba, the completion of the internal procedures necessary for this purpose, confirming its agreement to the parts of the Agreement that shall be provisionally applied.
4. This Agreement shall be valid indefinitely. Either Party may notify in writing the other Party of its intention to terminate this Agreement. The termination shall take effect six months after the date of the notification.
  5. Notifications made in accordance with this Article shall be sent, in the case of the European Union, to the General Secretariat of the Council of the European Union and, in the case of the Republic of Cuba, to the Cuban Ministry of Foreign Affairs, who shall be the depositories of this Agreement.

#### *Article 87*

### **Amendment**

This Agreement may be amended by written agreement between the Parties. Such amendments shall enter into force on such date as may be agreed by the Parties and upon completion of their respective legal requirements and procedures.

#### *Article 88*

### **Territorial application**

This Agreement shall apply, on the one hand, to the territories in which the Treaty on European Union and the Treaty on the Functioning of the European Union apply and under the conditions laid down in those Treaties, and, on the other hand, to the territory of the Republic of Cuba.

#### *Article 89*

### **Authentic texts**

This Agreement is drawn up in duplicate in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, each text being equally authentic.

IN WITNESS WHEREOF, the undersigned, duly authorised, have signed this Agreement.

Voor het Koninkrijk België

Pour le Royaume de Belgique

Für das Königreich Belgien



Deze handtekening verbindt eveneens de Vlaamse Gemeenschap, de Franse Gemeenschap, de Duitstalige Gemeenschap, het Vlaamse Gewest, het Waalse Gewest en het Brussels Hoofdstedelijk Gewest.

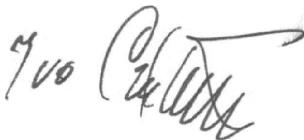
Cette signature engage également la Communauté française, la Communauté flamande, la Communauté germanophone, la Région wallonne, la Région flamande et la Région de Bruxelles-Capitale.

Diese Unterschrift bindet zugleich die Deutschsprachige Gemeinschaft, die Flämische Gemeinschaft, die Französische Gemeinschaft, die Wallonische Region, die Flämische Region und die Region Brüssel-Hauptstadt.

За Република България



Za Českou republiku




For Kongeriget Danmark



Für die Bundesrepublik Deutschland



Eesti Vabariigi nimel

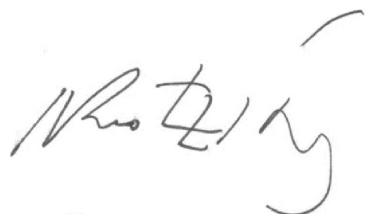


Thar cheann Na hÉireann

For Ireland



Για την Ελληνική Δημοκρατία



Por el Reino de España



Pour la République française



Za Republiku Hrvatsku



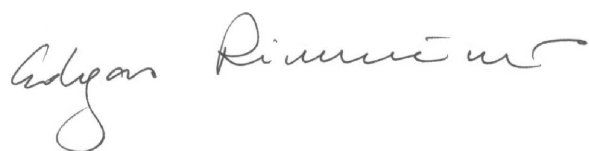
Per la Repubblica italiana



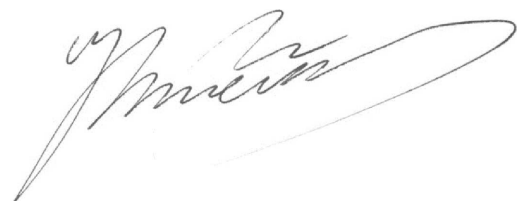
Για την Κυπριακή Δημοκρατία



Latvijas Republikas vārdā –



Lietuvos Respublikos vardu



Pour la Grand-Duché de Luxembourg



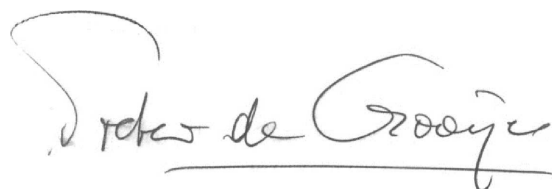
Magyarország részéről



Għar-Repubblika ta' Malta



Voor het Koninkrijk der Nederlanden

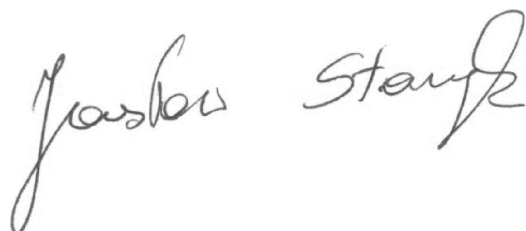




Für die Republik Österreich

A handwritten signature in cursive script, appearing to read 'W. Grahmayr'.

W imieniu Rzeczypospolitej Polskiej

A handwritten signature in cursive script, appearing to read 'Jacek Stauf'.

Pela República Portuguesa

A handwritten signature in cursive script, appearing to read 'Augusto Santos Silva'.

Pentru România

A handwritten signature in cursive script, appearing to read 'Bucur'.

Za Republiko Slovenijo

A handwritten signature in cursive script, appearing to read 'J. Muršič'.

Za Slovenskú republiku

A handwritten signature in cursive script, appearing to read 'J. Hradec'.

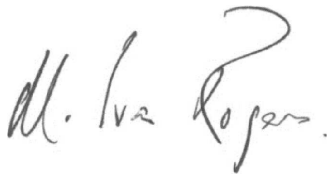
Suomen tasavallan puolesta  
För Republiken Finland



För Konungariket Sverige



For the United Kingdom of Great Britain and Northern Ireland



За Европейския съюз  
Por la Unión Europea  
Za Evropskou unii  
For Den Europæiske Union  
Für die Europäische Union  
Euroopa Liidu nimel  
Για την Ευρωπαϊκή Ένωση  
For the European Union  
Pour l'Union européenne  
Za Europsku uniju  
Per l'Unione europea  
Eiropas Savienības vārdā –  
Europos Sąjungos vardu  
Az Európai Unió részéről  
Għall-Unjoni Ewropea  
Voor de Europese Unie  
W imieniu Unii Europejskiej  
Pela União Europeia  
Pentru Uniunea Europeană  
Za Európsku úniu  
Za Evropsko unijo  
Euroopan unionin puolesta  
För Europeiska unionen



Por la República de Cuba



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# DECISIONS

## **COUNCIL DECISION (CFSP) 2016/2233 of 6 December 2016 repealing Common Position 96/697/CFSP on Cuba**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 2 December 1996 the Council adopted Common Position 96/697/CFSP <sup>(1)</sup>, which defines the position and objectives of the Union in its relations with Cuba.
- (2) Common Position 96/697/CFSP provided for the possible negotiation of a cooperation agreement with Cuba.
- (3) On 10 February 2014 the Council and the Representatives of the Governments of the Member States, meeting within the Council, authorised the Commission to open negotiations with the Republic of Cuba for a political dialogue and cooperation agreement.
- (4) Negotiations were successfully completed with the initialling, on 11 March 2016, of the Political Dialogue and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Cuba, of the other part ('the Agreement').
- (5) The Agreement will constitute the new legal framework for the relations between the Parties thereto.
- (6) Common Position 96/697/CFSP should therefore be repealed,

HAS ADOPTED THIS DECISION:

### *Article 1*

Common Position 96/697/CFSP is hereby repealed.

### *Article 2*

This Decision shall enter into force on 12 December 2016.

Done at Brussels, 6 December 2016.

*For the Council*  
*The President*  
P. KAŽIMÍR

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<sup>(1)</sup> Common Position 96/697/CFSP of 2 December 1996 defined by the Council on the basis of Article J.2 of the Treaty on European Union, on Cuba (OJ L 322, 12.12.1996, p. 1).









