II

(Preparatory Acts)

COUNCIL AND COMMISSION

Proposal for a Council and Commission Decision on the conclusion of the Partnership and Cooperation Agreement between the European Communities and their Member States of the one part, and the Kyrgyz Republic, of the other part

(94/C 326/07)

COM(94) 412 final — 94/0224(AVC)

(Submitted by the Commission on 10 October 1994)

THE COUNCIL OF THE EUROPEAN UNION,

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to the Treaty establishing the European Community, and in particular Articles 113 and 235 in conjunction with Article 228 (2) and (3), second subparagraph thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular the second paragraph of Article 101 thereof,

Having regard to the assent of the European Parliament,

Whereas, the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Kyrgyz Republic, of the other part, signed . . ., should be approved,

Having consulted the Consultative Committee and with the unanimous agreement of the Council,

HAVE DECIDED AS FOLLOWS:

Article 1

The Partnership and Cooperation Agreement between the European Communities and their Member States of the one part, and the Kyrgyz Republic, of the other part, together with the Protocol and the declarations are hereby approved on behalf of the European Community, the European Coal and Steel Community, and the European Atomic Energy Community.

These texts are attached to this Decision.

Article 2

1. The position to be adopted by the Community in the Cooperation Council shall be determined by the Council, on a proposal from the Commission, or, where appropriate, by the Commission, in each case in accordance with the relevant provisions of the Treaties establishing the European Community, the European Coal and Steel Community and the European Atomic Energy Community.

2. In accordance with Article 76 of the Partnership and Cooperation Agreement, the President of the Council shall preside over the Cooperation Council and shall present the Community's position. A representative of the Commission shall preside over the Cooperation Committee in accordance with its rules of procedure and shall present the Community's position.

Article 3

The President of the Council shall give the notification provided for in Article 92 of the Agreement on behalf of the European Community. The President of the Commission shall give such notification on behalf of the European Coal and Steel Community and the European Atomic Energy Committee.

FINAL ACT

The plenipotentiaries of:

THE KINGDOM OF BELGIUM,

THE KINGDOM OF DENMARK,

THE REPUBLIC OF GERMANY,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

IRELAND,

THE ITALIAN REPUBLIC,

THE GRAND DUCHY OF LUXEMBOURG,

THE KINGDOM OF THE NETHERLANDS,

THE PORTUGUESE REPUBLIC,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

Contracting Parties to the Treaty establishing the EUROPEAN COMMUNITY, the Treaty establishing the EUROPEAN COAL AND STEEL COMMUNITY, and the Treaty establishing the EUROPEAN ATOMIC ENERGY COMMUNITY,

hereinafter referred to as 'the Member States', and of

the EUROPEAN COMMUNITY, THE EUROPEAN ATOMIC ENERGY COMMUNITY and the EUROPEAN COAL AND STEEL COMMUNITY,

hereinafter referred to as 'the Community',

of the one part, and

the plenipotentiaries of the KYRGYZ REPUBLIC,

of the other part,

meeting ... in the year one thousand nine hundred and ninety-four for the signature of the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Members States, of the one part, and the Kyrgyz Republic, of the other part, hereinafter referred to as 'the Partnership and Cooperation Agreement', have adopted the following text:

the Partnership and Cooperation Agreement and the Protocol on mutual assistance in customs matters.

The plenipotentiaries of the Member States and of the Community and the plenipotentiaries of the Kyrgyz Republic have adopted the texts of the Joint Declarations listed below and annexed to this Final Act:

Joint Declaration concerning Article 23 of the Agreement

Joint Declaration concerning the notion of 'control' in Article 25 (b) and Article 37 of the Agreement

Joint Declaration concerning Article 43 of the Agreement

Joint Declaration concerning Article 94 of the Agreement.