COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 26.3.2007
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Proposal for a

# COUNCIL DECISION

**on the signing and provisional application of a Protocol to 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, to take account of the accession of the Republic of Bulgaria and Romania to the European Union**

(presented by the Commission)

## EXPLANATORY MEMORANDUM

The Partnership and Cooperation Agreement (PCA) between the European Communities and their Member States, of the one part, and the Kyrgyz Republic, of the other part, is a "mixed" agreement, which entered into force on 1 July 1999, i.e. before the enlargement of the Union to include the Republic of Bulgaria and Romania. A Protocol to the PCA therefore needs to be drawn up to allow the new Member States to accede to the Agreement, in accordance with Article 6(2) of the Act of Accession annexed to the Treaty of Accession of 25 April 2005.

On 23 October 2006, the Council authorised the Commission to open negotiations, on behalf of the Community and its Member States, with the Kyrgyz Republic with a view to concluding a Protocol to the Partnership and Cooperation Agreement.

The negotiations with the Kyrgyz Republic have subsequently been completed. The text of the negotiated protocol is attached.

The attached proposals are for (1) a Council Decision on the signature and provisional application of the Protocol and (2) a Council and Commission Decision on the conclusion of the Protocol.

The Commission proposes that the Council should:

– take a decision on the signature and provisional application of the Protocol on behalf of the European Community and its Member States;

– conclude the Protocol on behalf of the European Community and its Member States and give its approval for conclusion of the Protocol by the European Atomic Energy Community.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 44(2), the last sentence of Article 47(2), and Articles 55, 57(2), 71, 80(2), 93, 94, 133 and 181a, in conjunction with the second sentence of Article 300(2) and the first subparagraph of Article 300(3), thereof,

Having regard to the Treaty of Accession of the Republic of Bulgaria and Romania, and in particular Article 4(3) thereof,

Having regard to the Act of Accession of Bulgaria and Romania, and in particular Article 6(2) thereof,

Having regard to the proposal from the Commission[1],

Whereas:

(1) On 23 October 2006, the Council authorised the Commission, on behalf of the Community and its Member States, to negotiate with the Kyrgyz Republic a Protocol to the Partnership and Cooperation Agreement to take account of the accession of the Republic of Bulgaria and Romania to the European Union.

(2) Subject to its possible conclusion at a later date, the Protocol initialled on *[*Date*]* should be signed on behalf of the European Community and its Member States.

(3) The Protocol should be applied on a provisional basis as from the 1st January 2007, pending completion of the relevant procedures for its formal conclusion,

[1] OJ.C.[…], […], p. […].

HAS DECIDED AS FOLLOWS:

*Article 1*

The President of the Council is hereby authorised to designate the person(s) empowered to sign, on behalf of the European Community and its Member States, the Protocol to 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, to take account of the accession of the Republic of Bulgaria and Romania, subject to possible conclusion at a later stage.

The text of the Protocol is attached to this Decision.

*Article 2*

Pending its entry into force, the Protocol shall be applied on a provisional basis from the 1st January 2007.

Done at Brussels,

*For the Council*
*The President*

**ANNEX**

**PROTOCOL**

**TO THE PARTNERSHIP AND CO-OPERATION AGREEMENT**

**between the European Communities and their Member States, of the one part and the Kyrgyz Republic, of the other part (PCA), on accession of the Republic of Bulgaria and Romania to the PCA**

THE KINGDOM OF BELGIUM,

THE REPUBLIC OF BULGARIA,

THE CZECH REPUBLIC,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF ESTONIA,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

IRELAND,

THE ITALIAN REPUBLIC,

THE REPUBLIC OF CYPRUS,

THE REPUBLIC OF LATVIA,

THE REPUBLIC OF LITHUANIA,

THE GRAND DUCHY OF LUXEMBOURG,

THE REPUBLIC OF 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,

hereinafter referred to as the 'Member States', represented by the Council of the European Union, and

THE EUROPEAN COMMUNITY AND THE EUROPEAN ATOMIC ENERGY COMMUNITY,

hereinafter referred to as 'the Communities', represented by the Council of the European Union and the European Commission,

of the one part, and the

KYRGYZ REPUBLIC

of the other part,

hereinafter referred to as "Parties" for the purposes of this Protocol,

HAVING REGARD TO the provisions of the Treaty between the Kingdom of Belgium, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland, (Member States of the European Union) and the Republic of Bulgaria and Romania concerning the accession of the Republic of Bulgaria and Romania to the European Union, which was signed in Luxembourg on 25 April 2005 and will enter into force on 1 January 2007,

CONSIDERING the new situation in relations between the Kyrgyz Republic and the European Union arising from the accession to the EU of two new Member States, which opens opportunities and brings about challenges for the co-operation between the Kyrgyz Republic and the European Union,

TAKING INTO ACCOUNT the desire of the Parties to ensure the attainment and implementation of the objectives and principles of the PCA;

HAVE AGREED AS FOLLOWS:

*Article 1*

The Republic of Bulgaria and Romania shall be Parties to the Partnership and Cooperation Agreement, establishing a partnership between the European Communities and their Member States, of the one part, and the Kyrgyz Republic, of the other part, signed in Brussels on 9 February 1995 and entered into force on 1 July 1999 (hereinafter the 'Agreement') and shall respectively adopt and take note, in the same manner, as the other Member States, of the texts of the Agreement, as well as of the Joint Declarations, Exchanges of Letters, and Declaration by the Kyrgyz Republic annexed to the Final Act signed on the same date and the Protocol to the Agreement of 30 April 2004, which entered into force on 1st June 2006.

*Article 2*

This Protocol shall form an integral part of the Agreement.

*Article 3*

1. This Protocol shall be approved by the Communities, by the Council of the European Union on behalf of the Member States and by the Kyrgyz Republic in accordance with their own procedures.

2. The Parties shall notify each other of the completion of the corresponding procedures referred to in the preceding paragraph. The instruments of approval shall be deposited with the General Secretariat of the Council of the European Union.

*Article 4*

1. This Protocol shall enter into force on the first day of the first month following the date of the deposit of the last instrument of approval.

2. Pending the date of its entry into force, this Protocol shall apply provisionally with effect from 1 January 2007.

*Article 5*

1. The texts of the Agreement, the Final Act and all documents annexed to it, as well as the Protocol to the Agreement of 30 April 2004, are drawn up in the Bulgarian and Romanian languages.

2. They are annexed to this Protocol and are equally authentic with the texts in the other languages in which the Agreement, the Final Act and the documents annexed to it, as well as the Protocol to the Agreement of 30 April 2004, are drawn up.

*Article 6*

This Protocol is drawn up in duplicate in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovene, Slovak, Spanish, Swedish and Kyrgyz languages, each of these texts being equally authentic.

Done at ... on ..... in the year 2007

FOR THE MEMBER STATES

FOR THE EUROPEAN COMMUNITIES

FOR THE KYRGYZ REPUBLIC