EUROPEAN
COMMISSION

Brussels, 3.8.2017
COM(2017) 414 final

Recommendation for a

COUNCIL DECISION

approving the conclusion, by the European Commission, on behalf of the European Atomic Energy Community, of the Protocol 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, to take account of the accession of the Republic of Croatia to the European Union

EXPLANATORY MEMORANDUM

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, hereinafter referred to as 'the Agreement', was signed in Brussels on 9 February 1995 and entered into force on 1 July 1999.

According to its Act of Accession, the Republic of Croatia undertakes to accede to the international agreements signed or concluded by the European Union and its Member States by means of a protocol to those agreements.

A Council Decision of 14 September 2012[1] authorised the Commission to open negotiations with the non-EU countries concerned, in order to conclude the relevant protocols. Negotiations with the Kyrgyz Republic were successfully concluded by the exchange of notes verbales.

The proposed Protocol incorporates the Republic of Croatia as a contracting party to the Agreement and commits the EU to providing the authentic version of the Agreement in the Croatian language.

The Commission has judged the results of the negotiations to be satisfactory and proposes the signing and conclusion of the Protocol. Through the recommendation attached, the Commission hereby recommends the Council to approve the conclusion, by the European Commission, on behalf of the European Atomic Energy Community, of the Protocol 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, to take account of the Republic of Croatia's accession to the European Union.

The attached recommendation is presented jointly with a:

(ii) proposal for a Council Decision on the signature and provisional application of the Protocol on behalf of the European Union and its Member States;

(iii) proposal for a Council Decision on the conclusion of the Protocol on behalf of the European Union and its Member States;

[1] Council Decision authorising the opening of negotiations for the adaptation of agreements signed or concluded between the European Union, or the European Union and its Member States, with one or more third countries or international organisations, in view of the accession of the Republic of Croatia to the European Union (Council doc. 13351/12 LIMITED).

Recommendation for a

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approving the conclusion, by the European Commission, on behalf of the European Atomic Energy Community, of the Protocol 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, to take account of the accession of the Republic of Croatia to the European Union

THE COUNCIL OF THE EUROPEAN UNION,

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 recommendation from the European Commission,

Whereas:

(1) In accordance with Article 6(2) of the Act of Accession of the Republic of Croatia, the accession of the Republic of Croatia to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and its Member States, of the one part, and the Kyrgyz Republic, of the other part ('the Agreement')[2] is to be agreed by means of a protocol to the Agreement.

(2) On 14 September 2012, the Council authorised the Commission to open negotiations with the non-EU countries concerned[3]. Negotiations were successfully concluded with the Kyrgyz Republic by exchange of notes verbales.

(3) The conclusion, by the Commission, of the Protocol should be approved as regards matters falling within the competence of the European Atomic Energy Community.

(4) The signing and conclusion of the Protocol is subject to a separate procedure as regards matters falling under the Treaty on European Union and the Treaty on the Functioning of the European Union,

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2 Council and Commission Decision 1999/491/EC, ECSC, Euratom of 12 May 1999 on the conclusion of 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 (OJ L 196, 28.7.1999, p. 48).

3 Council Decision authorising the opening of negotiations for the adaptation of agreements signed or concluded between the European Union, or the European Union and its Member States, with one or more third countries or international organisations, in view of the accession of the Republic of Croatia to the European Union (Council doc. 13351/12 LIMITED)

HAS ADOPTED THIS DECISION:

Sole Article

The conclusion by the Commission, on behalf of the European Atomic Energy Community, of the of the Protocol 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, to take account of the accession of the Republic of Croatia to the European Union, is hereby approved[4].

Done at Brussels,

For the Council
The President

[4] The text of the Protocol is published in ...[insert OJ reference] together with the Decision on signature on behalf of the Union and of the Member States.