

COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 06.04.2000
COM(2000) 102 final

Proposal for a

DECISION OF THE COUNCIL AND OF THE COMMISSION

on the conclusion of the Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and Ukraine, of the other part

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. The Partnership and Cooperation Agreement (PCA) between the European Communities and their Member States and Ukraine is a "mixed" agreement, which was signed on 14 June 1994, i.e., before the enlargement of the Union to include Austria, Finland and Sweden. It was therefore necessary to draw up an "enlargement Protocol" to include the three new Member States, and this was signed on 10 April 1997.

   Once the PCA was ratified by the signatory States, it was agreed that it would be politically desirable not to postpone its entry into force until the enlargement Protocol had been ratified by all the parties, i.e. the European Communities, their 15 Member States and Ukraine, since this was likely to take some time. The parties therefore agreed that the enlargement Protocol would be provisionally applied by the European Communities, Ukraine, and all the EC Member States except Austria, Sweden, Finland, Denmark and Portugal which, for internal constitutional reasons, had to ratify it.

   After the Protocol had been ratified by the Member States referred to above, the PCA entered into force on 1 March 1998 and the provisional application of the Protocol took effect on the same date.

   The Protocol has now been ratified by all the signatories and a Decision concluding it can therefore be adopted.

   The European Parliament gave its assent to the conclusion of the enlargement Protocol on 15 July 1997.

   The ECSC Consultative Committee was consulted about the Protocol on 30 April 1996 and about its provisional application on 2 April 1998.

2. **The Council is invited:**

   – to adopt the proposal for a Council and Commission Decision on the **conclusion of the Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part**, and Ukraine, of the other part, on behalf of the European Community;

   – to approve/assent to the Commission Decision on the **conclusion of the Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and Ukraine, of the other part,** on behalf of the European Atomic Energy Community and the European Coal and Steel Community.

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on the conclusion of the Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and Ukraine, of the other part

THE COUNCIL OF THE EUROPEAN UNION,

THE EUROPEAN COMMISSION,

Having regard to the Treaty establishing the European Community, and in particular Article 44(1), the last sentence of Article 47(2), Article 55, Article 57(2), Article 71, Article 80(2), Articles 93, 94, 133 and 308 in conjunction with the second sentence of Article 300(2) and the second subparagraph of Article 300(3) thereof,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 95 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 proposal from the Commission,

Having regard to the assent of the European Parliament[1],

Having regard to the Council's approval pursuant to Article 101 of the Treaty establishing the European Atomic Energy Community,

After consulting the Consultative Committee of the ECSC and with the assent of the Council,

Whereas:

(1) The Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and Ukraine, of the other part[2], which entered into force on 1 March 1998, contributes to achieving the objectives of the European Communities in so far as it is an essential part of the strategy of the European Communities and their Member States with regard to Ukraine.

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1 OJ C 286, 22.9.1997, p. 82.

2 OJ L 49, 19.2.1998, p. 3.

(2) Since the Partnership and Cooperation Agreement was signed before the enlargement of the European Union to include Austria, Finland and Sweden, an enlargement Protocol was signed on 10 April 1997 to include the three new Member States in the Partnership and Cooperation Agreement.

(3) The parties agreed to the provisional application of the enlargement Protocol by the European Communities, Ukraine and all Member States except Austria, Sweden, Finland, Denmark and Portugal.

(4) All the signatories to the Protocol have now ratified it,

HAVE DECIDED AS FOLLOWS:

Article 1

The enlargement Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and Ukraine, of the other part, is hereby approved on behalf of the European Community, the European Coal and Steel Community and the European Atomic Energy Community.

The text of the enlargement Protocol is annexed to this Decision.

Article 2

The President of the Council shall, on behalf of the European Community, give the notification provided for in Article 4 of the Protocol. The President of the Commission shall give the same notification on behalf of the European Coal and Steel Community and the European Atomic Energy Community.

Done at Brussels,

For the Commission	*For the Council*
The President	*The President*

ANNEX

PROTOCOL TO THE PARTNERSHIP AND COOPERATION AGREEMENT BETWEEN THE EUROPEAN COMMUNITIES AND THEIR MEMBER STATES, OF THE ONE PART, AND UKRAINE, OF THE OTHER PART

THE KINGDOM OF BELGIUM,

THE KINGDOM OF DENMARK,

THE FEDERAL 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 REPUBLIC OF AUSTRIA,

THE PORTUGUESE REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

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

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

hereinafter referred to as "the Community",

of the one part, and

UKRAINE

of the other part,

HAVING REGARD TO the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union and thereby to the Community on 1 January 1995,

HAVE AGREED AS FOLLOWS:

ARTICLE 1

The Republic of Austria, the Republic of Finland and the Kingdom of Sweden 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 Ukraine, of the other part, signed in Luxembourg on 14 June 1994 hereinafter "the Agreement", and shall respectively adopt and take note, in the same manner as other Member States of the Community, of the texts of the Agreement, as well as of the Joint Declarations, Declarations and Exchanges of Letters annexed to the Final Act signed on the same date.

ARTICLE 2

The texts of the Agreement, the Final Act and all documents annexed thereto are drawn up in the Finnish and Swedish languages. 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 thereto are drawn up.

ARTICLE 3

This Protocol is drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish, Swedish and Ukrainian languages, each of these texts being equally authentic.

ARTICLE 4

This Protocol will be approved by the Parties in accordance with their own procedures.

This Protocol shall enter into force on the first day of the second month following the day on which the Parties notify each other of the completion of the procedures referred to in the first paragraph.

Done at Brussels, on

For the KINGDOM OF BELGIUM,

For the KINGDOM OF DENMARK,

For the FEDERAL REPUBLIC OF GERMANY,

For the HELLENIC REPUBLIC,

For the KINGDOM OF SPAIN,

For the FRENCH REPUBLIC,

For IRELAND,

For the ITALIAN REPUBLIC,

For the GRAND DUCHY OF LUXEMBOURG,

For the KINGDOM OF THE NETHERLANDS,

For the REPUBLIC OF AUSTRIA,

For the PORTUGUESE REPUBLIC,

For the REPUBLIC OF FINLAND,

For the KINGDOM OF SWEDEN,

For the UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

For the COMMUNITY

For UKRAINE