

COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 15.9.1999
COM(1999)450 final

Proposal for a

COUNCIL DECISION

on a Community position on the rules of procedure of the Cooperation Council and the Cooperation Committee established by the partnership and cooperation agreement between the European Communities and their Member States and the Republic of Uzbekistan

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. The Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, on the one part, and the Republic of Uzbekistan, of the other part, provides for the setting-up of a Cooperation Council composed of members of the Council of the European Union and members of the European Commission, on the one hand, and of members of the Government of Uzbekistan, on the other. Its role is to monitor the implementation of the Agreement and examine any major issues arising within the framework of the Agreement and any other bilateral or international issues of mutual interest for the purpose of attaining the objectives of the Agreement.

2. According to the Partnership and Cooperation Agreement (in particular Articles 78 to 80), the Cooperation Council is to establish its rules of procedure and the rules of procedure of the Cooperation Committee, the role of the Committee being to prepare all Cooperation Council meetings and generally assist the Cooperation Council in its work.

3. Article 2(1) of Council and Commission Decision COM(96) 254, as amended by the Council and Commission Decision of 31 May 1999, on the conclusion of the Partnership and Cooperation Agreement provides that the position to be adopted by the Community in the Cooperation Council be determined by the Council on a proposal from the Commission (or, where appropriate, by the Commission). In accordance with this provision, it is proposed that the Council adopt the attached draft rules of procedure as a Community position.

4. The Cooperation Council and Cooperation Committee with Uzbekistan are institutions modelled on the Cooperation Councils and Cooperation Committees set up under the Partnership and Cooperation Agreements with Russia, Ukraine, Moldova, Kazakhstan and Kyrgyzstan which have (virtually) identical rules of procedure. The institutional provisions of the Agreement with Uzbekistan (and of Partnership and Cooperation Agreements with other NIS) constitute the "legal basis" for the rules of procedure.

5. The attached draft rules of procedure follow closely the rules adopted for Russia, Ukraine, Moldova, Kazakhstan and Kyrgyzstan. The exact form that the meetings of the Cooperation Council and Cooperation Committee will take is as yet unknown. However, the Uzbekistan authorities are likely to take the rules and practices established with Russia, Ukraine, Moldova, Kazakhstan and Kyrgyzstan as a guide.

6. The rules of procedure should be kept as broad and as flexible as possible to accommodate a variety of different models of the institutions in question. They must provide a sufficiently flexible framework, laying down the broad outlines of the institutions' operations without going into excessive detail.

7. Note that under the institutional provisions of the Partnership and Cooperation Agreements, a Cooperation Council can only make (non-binding) recommendations (Article 78 of the Partnership and Cooperation Agreement).

8. It is established practice under the Europe Agreements that all meetings of the Association Councils take place in the EU. While this corresponds to EU practice in mixed agreement contexts, it is not in line with standard diplomatic usage. Although the Uzbekistan authorities have not requested alternating venues, Uzbekistan is likely to request treatment equivalent to that of Russia. Therefore the formula proposed for Russia, namely that the venue will be in the EU, *unless the Parties agree otherwise*, could be used here.

9. The attached draft rules of procedure are proposed for adoption as a Community position under Article 2(1) of Council and Commission Decision COM(96) 254, as amended by the Council and Commission Decision of 31 May 1999, on the conclusion of the Partnership and Cooperation Agreement between the European Communities and their Member States and Uzbekistan by means of a decision of the Council.

10. The Council is therefore requested to adopt the attached Commission proposal on a Community position on the rules of procedure of the Cooperation Council and of the Cooperation Committee with Uzbekistan.

Proposal for a

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on a Community position on the rules of procedure of the Cooperation Council and the Cooperation Committee established by the partnership and cooperation agreement between the European Communities and their Member States and the Republic of Uzbekistan

THE COUNCIL OF THE EUROPEAN UNION,

Having regard 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 (Euratom),

Having regard to the Council and Commission Decision of 31 May 1999 on the conclusion of the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Uzbekistan, of the other part, and in particular Article 2(1) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) Article 78 of the Partnership and Cooperation Agreement establishes a Cooperation Council.

(2) Article 80 of the Partnership and Cooperation Agreement provides that the Cooperation Council shall be assisted by a Cooperation Committee and Article 79 of the Agreement further provides that the Cooperation Council shall adopt its own rules of procedure.

(3) Article 80 of the said Agreement further provides that the Cooperation Council shall, in its rules of procedure, determine the manner of functioning of the Cooperation Committee and that the Cooperation Council may delegate any of its powers to the Cooperation Committee.

(4) Article 81 of the Agreement further provides that the Cooperation Council may decide to set up any other special committee or body that can assist it in carrying out its work,

HAS DECIDED AS FOLLOWS:

The position to be adopted by the European Community within the Cooperation Council set up under Article 78 of the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and Uzbekistan, of the other part, on the rules of procedure of the said Cooperation Council and of the Cooperation Committee referred to in Article 80 of the Agreement shall be based on the draft rules of procedure annexed to this Decision. Minor amendments to these draft rules of procedure may be accepted without further decision by the Council.

Done at Brussels, ...

For the Council
The President

Draft

RULES OF PROCEDURE

of the Cooperation Council representing the European Communities and their Member States, of the one part, and the Republic of Uzbekistan, of the other part

THE COOPERATION COUNCIL,

Having regard to the Agreement on Partnership and Cooperation between the European Communities and their Member States, of the one part, and the Republic of Uzbekistan, of the other part, signed in Brussels on 9 February 1995, hereinafter referred to as "the Agreement", and in particular Articles 78 to 81 thereof,

Whereas the Agreement entered into force on ..... ,

HAS ADOPTED THE FOLLOWING RULES OF PROCEDURE:

Article 1

Presidency

The office of President of the Cooperation Council shall be held alternately for periods of twelve months by a representative of the Council of the European Union, on behalf of the Communities and their Member States, and a representative of the Government of Uzbekistan. However, the first period shall begin on the date of the first Cooperation Council and end on 31 December of the same year.

Article 2

Meetings

The Cooperation Council shall meet regularly at ministerial level once a year. Special meetings of the Cooperation Council may be convened if the parties so agree, at the request of either Party.

Unless agreed otherwise by the Parties, each meeting of the Cooperation Council shall be held at the usual venue for meetings of the Council of the European Union on a date agreed by both Parties.

The meetings of the Cooperation Council shall be jointly convened by the Secretaries of the Cooperation Council in agreement with the Parties.

Article 3

Representation

The members of the Cooperation Council, as defined in Article 79 of the Agreement, may be represented by a minister or by a designated official if prevented from attending.

The official acting in such a capacity shall as a rule be Uzbekistan's Head of the Mission to the European Communities or the Head of a Member State's Permanent Representation to the EU or a senior official.

In all other cases, a member wishing to be represented shall notify the President of the name of the representative before the meeting at which he is to be so represented.

The representative of a member of the Cooperation Council shall exercise all the rights of the full member.

Article 4

Delegations

The members of the Cooperation Council may be accompanied by officials.

Before each meeting, the President shall be informed of the proposed membership of each Party's delegation and the name of the head of delegation.

The Cooperation Council may invite other persons to attend its meetings in order to provide information on particular subjects.

Article 5

Secretariat

An official of the General Secretariat of the Council of the European Union and an official appointed by Uzbekistan shall act jointly as Secretaries of the Cooperation Council.

Article 6

Documents

Where the discussions of the Cooperation Council are based on reference documents, such documents shall be numbered and circulated by the two Secretaries as documents of the Cooperation Council.

Article 7

Correspondence

Correspondence for the Cooperation Council or the President of the Cooperation Council shall be sent to the two Secretaries of the Cooperation Council.

The two Secretaries shall ensure that correspondence is forwarded to the President of the Cooperation Council and, where appropriate, circulated to other members of the Cooperation Council as the type of document referred to in Article 6. The correspondence thus circulated shall be sent to the Secretariat-General of the Commission, the Permanent Representations of Member States of the European Union and the Mission of the Republic of Uzbekistan in Brussels.

Communications from the President of the Cooperation Council shall be sent out by the Secretary concerned and, where appropriate, circulated as documents referred to in Article 6 to the other members of the Cooperation Council at the addresses indicated in the paragraph above.

Article 8

Agendas for meetings

1. A jointly agreed provisional agenda shall be drawn up for each meeting. It shall be forwarded by the Secretaries of the Cooperation Council to the addressees referred to in Article 7 not later than fifteen days before the beginning of the meeting.

   The provisional agenda shall include items for which a request has been received by one or other of the two Secretaries not later than twenty-one days before the beginning of the meeting, but items will not be put on the provisional agenda unless the supporting documentation has been received by the Secretaries no later than the date of dispatch of the agenda.

   The agenda shall be adopted by the Cooperation Council at the beginning of each meeting. An item other than those appearing on the provisional agenda may not be placed on the agenda unless the Parties so agree.

2. By agreement of the Parties, the time limits specified in paragraph 1 may be shortened to take account of special circumstances.

Article 9

Minutes

The two Secretaries shall jointly draw up draft minutes of each meeting, the two copies being equally authentic.

The minutes shall, as a general rule, indicate in respect of each item on the agenda:

- the documentation submitted to the Cooperation Council;

- any statements that members of the Cooperation Council want included;

- the recommendations, statements and conclusions adopted on specific items.

The minutes shall also include a list of members of the Cooperation Council or their representatives who were present at the meeting.

The draft minutes shall be submitted to the Cooperation Council for approval at its next meeting. The draft minutes may also be approved in writing by the two Parties. When approved, two authentic copies of the minutes shall be signed by the two Secretaries and filed by the Parties. A copy of the minutes shall be forwarded to each of the addressees referred to in Article 7.

Article 10

Recommendations

1. The Cooperation Council shall make its recommendations by common agreement between the Parties.

   Between meetings, the Cooperation Council may make recommendations and approve minutes by written procedure if the Parties so agree. The written procedure shall consist of an exchange of letters between the two Secretaries, acting in agreement with the Parties.

2. The recommendations of the Cooperation Council within the meaning of Article 78 of the Partnership and Cooperation Agreement shall have the title "recommendation", followed by a serial number, the date of their adoption and a description of the subject.

   The recommendations of the Cooperation Council shall be authenticated by the two Secretaries and the two authentic copies shall be signed by the heads of delegation of the two Parties.

   Recommendations shall be forwarded to each of the addressees referred to in Article 7 as documents of the Cooperation Council.

Article 11

Publicity

1. Unless otherwise decided, the meetings of the Cooperation Council shall not be public.

2. Each Party may decide to publish the recommendations of the Cooperation Council in its respective official gazette.

Article 12

Languages

The official languages of the Cooperation Council shall be the official languages of the Parties.

The Cooperation Council shall normally base its deliberations on documentation prepared in these languages.

Article 13

Expenses

The European Communities and Uzbekistan shall each cover the expenses they incur by reason of their participation in the meetings of the Cooperation Council with regard to the costs of staff, travel and subsistence and of post and telecommunications.

The cost of interpreting at meetings and of translation of documents shall be borne by the European Communities, with the exception of interpretation or translation from an official language of the European Communities into Uzbek, which shall be borne by Uzbekistan.

Other expenditure relating to the material organisation of meetings, including the duplication of documents distributed at meetings, shall be borne by the Party which hosts the meetings.

Article 14

Cooperation Committee

1. In accordance with Article 80 of the Partnership and Cooperation Agreement, a Cooperation Committee is hereby set up in order to assist the Cooperation Council in its work. It shall be composed of representatives of the Commission of the European Communities and of the representatives of the members of the Council of the European Union, on the one hand, and of representatives of the Government of Uzbekistan on the other, normally at senior official level.

2. The Cooperation Committee shall prepare the meetings and the discussions of the Cooperation Council, monitor, where appropriate, the implementation of the recommendations of the Cooperation Council and in general ensure continuity in the partnership and the proper functioning of the Partnership and Cooperation Agreement. It shall consider any matter referred to it by the Cooperation Council, as well as any other matter which may arise in the course of the day-to-day implementation of the Partnership and Cooperation Agreement. It shall submit proposals or draft recommendations for adoption to the Cooperation Council.

3. The consultations provided for in Article 13 of the Agreement shall take place within the Cooperation Committee. Consultation may continue in the Cooperation Council if the Parties so agree.

4. The rules of procedure of the Cooperation Committee are annexed hereto.

Done at

For the Cooperation Council
Head of the EU Delegation

Head of the Delegation of the Republic of Uzbekistan

ANNEX

RULES OF PROCEDURE OF THE COOPERATION COMMITTEE

Article 1

Chair

The Chair of the Cooperation Committee shall be held alternately for periods of twelve months by a representative of the Commission of the European Communities, on behalf of the Communities and their Member States, and a representative of the Government of Uzbekistan. The first period shall begin on the date of the first Cooperation Council meeting and end on 31 December of the same year. During this period and each twelve-month period thereafter, the Cooperation Committee shall be chaired by the Party holding the Presidency of the Cooperation Council.

Article 2

Meetings

The Cooperation Committee shall meet once a year and whenever circumstances require, by agreement of the Parties.

Each meeting of the Cooperation Committee shall be held at a time and place agreed by the Parties.

The meetings of the Cooperation Committee shall be convened by the two Secretaries.

Article 3

Delegations

Before each meeting, the Chair shall be informed of the proposed composition of each Party's delegation.

Article 4

Secretariat

An official of the Commission of the European Communities and an official of the Government of Uzbekistan shall act jointly as Secretaries of the Cooperation Committee.

All communications to and from the Chair of the Cooperation Committee provided for in this Annex shall be forwarded to the Secretaries of the Cooperation Committee and to the Secretaries and President of the Cooperation Council.

Article 5

Publicity

Unless otherwise decided, the meetings of the Cooperation Committee shall not be public.

Article 6

Agendas for meetings

1. A provisional agenda for each meeting shall be drawn up by the Secretaries of the Cooperation Committee, who shall forward it to the addressees referred to in Article 4 not later than fifteen days before the beginning of the meeting.

   The provisional agenda shall include items for which the Chair has received a request not later than twenty-one days before the beginning of the meeting, but items will not be put on the provisional agenda unless the supporting documentation has been received by the Secretaries by the date of dispatch of the agenda.

   The agenda shall be adopted by the Cooperation Committee at the beginning of each meeting. An item other than those appearing on the provisional agenda may not be placed on the agenda unless the Parties so agree.

2. In agreement with the Parties, the time limits specified in paragraph 1 may be shortened, to take account of special circumstances.

3. The Cooperation Committee may ask experts to attend its meetings in order to provide information on particular subjects.

Article 7

Minutes

Minutes shall be taken for each meeting summing up the conclusions reached by the Cooperation Committee.

When approved by the Cooperation Committee, the minutes shall be signed by the Chair and the two Secretaries and a copy filed by each of the Parties. A copy of the minutes shall be forwarded to each of the addressees referred to in Article 4.

Article 8

Recommendations

The Cooperation Committee shall not formulate recommendations except in specific cases where it is empowered to do so by the Cooperation Council under Article 80(2) of the Agreement. In such cases these acts shall bear the title "recommendation", followed by a serial number, the date of adoption and a description of the subject. Recommendations shall be formulated by common agreement between the Parties.

Recommendations of the Cooperation Committee shall be forwarded to the addressees referred to in Article 4. The Cooperation Committee may decide to publish such recommendations.

The recommendations of the Cooperation Committee shall be signed by the Chair and the Secretaries.

Article 9

Expenses

The European Communities and Uzbekistan shall each cover the expenses they incur by reason of their participation in the meetings of the Cooperation Committee and of its subcommittees and working parties with regard to the costs of staff, travel and subsistence and of post and telecommunications.

The cost of interpreting at meetings and of translation of documents shall be borne by the European Communities, with the exception of interpretation or translation from an official language of the European Communities into Uzbek, which shall be borne by Uzbekistan.

Expenditure relating to the material organisation of meetings, including the duplication of documents distributed at meetings, shall be borne by the Party which hosts the meetings.

Article 10

Subcommittees and working parties

The Cooperation Committee may set up subcommittees and working parties to assist it in its work. They shall work under the aegis of the Cooperation Committee, to which they shall report after each meeting. They shall not formulate recommendations.

The Cooperation Committee may change the terms of reference of any subcommittee or working party, abolish them or set up new ones to assist it in its work.

FINANCIAL STATEMENT

1. TITLE OF OPERATION

Rules of procedure of the Cooperation Council and the Cooperation Committee set up under the Partnership and Cooperation Agreement between the European Communities and their Member States and the Republic of Uzbekistan. Establishment and operation of an EU-Uzbekistan Cooperation Council, a Cooperation Committee and, where necessary, (sub)committees and other special bodies.

2. BUDGET HEADING INVOLVED

A-7010: Mission expenses

A- 7031: Meetings of committees

3. LEGAL BASIS

Council and Commission Decision on the conclusion of the Partnership and Cooperation Agreement between the European Communities and their Member States and the Republic of Uzbekistan (to be adopted).

4. DESCRIPTION OF OPERATION

4.1 General objective

Implementation of the institutional provisions of the Agreement.

4.2 Period covered and arrangements for renewal

10 years (= duration of the Agreement, Article 94, with possibility of extension).

5. CLASSIFICATION OF EXPENDITURE OR REVENUE

5.1 Compulsory/non-compulsory expenditure

Non-compulsory expenditure.

5.2 Differentiated/non-differentiated appropriations

Non-differentiated appropriations.

5.3 Type of revenue involved

No revenue.

6. TYPE OF EXPENDITURE OR REVENUE

Administrative expenditure, Part A of the budget. 100% non-reimbursable (missions by officials, organisation of conferences, interpretation, translation, reproduction of documents).

7. FINANCIAL IMPACT

7.1 Method of calculating total cost of operation (relation between individual and total costs)

See section 10. The measure requires no operational expenditure. It entails only annual administrative expenditure according to the venue and number of meetings each year (Part A of the budget).

7.2 Itemised breakdown of cost

Commitment appropriations EUR million (current prices)

Breakdown	year n	n+1	n+2	n+3	n+4	n+5 and subs. yrs	Total
Total							

7.3 Operational expenditure for studies, experts etc. included in Part B of the budget

Commitment appropriations EUR million (current prices)

	year n	n+1	n+2	n+3	n+4	n+5 and subs. yrs	Total
– Studies – Meetings of experts – Conferences and congresses – Information and publications							
Total							

7.4 Schedule of commitment and payment appropriations

Commitment appropriations EUR million

	year n	n+1	n+2	n+3	n+4	n+5 and subs. yrs	Total
Commitment appropriation							
Payment appropriations							
year n n+1 n+2 n+3 n+4 n+5 and subs. yrs							
Total							

8. FRAUD PREVENTION MEASURES

Checks by the officials responsible for the administrative appropriations.

9. ELEMENTS OF COST-EFFECTIVENESS ANALYSIS

9.1 Specific quantifiable objectives, target population

The institutionalised dialogue between the EU and Uzbekistan will be an essential prerequisite for achieving the aims of the Partnership and Cooperation Agreement, namely the promotion of trade and investment flows, support for political and economic reforms in Uzbekistan and close cooperation across a wide number of policy fields.

The main targets are economic operators and the general public in Uzbekistan and the EU.

9.2 Grounds for the operation

A coordinated approach has been adopted by the European Communities and their Member States to cooperation with Uzbekistan, avoiding duplication of effort and establishing the EU as one of the main partners of Uzbekistan. The approach is similar to that adopted under the Partnership and Cooperation Agreements with other NIS and the Europe Agreements with the CEECs.

9.3 Monitoring and evaluation of the operation

Regular stock-taking of the results and effectiveness of the dialogue by Commission and Council.

10. ADMINISTRATIVE EXPENDITURE (SECTION III, PART A, OF THE BUDGET)

The administrative resources required will actually be mobilised following the annual Commission Decision on the allocation of resources, taking account in particular of human resources and additional amounts granted by the budgetary authority.

10.1 Effect on the number of posts

Type of post		Staff required to manage the operation		Source		Duration
		Permanent posts	Temporary posts	Existing resources in the DG or department concerned	Additional resources	
Officials or temporary staff	A B C	1 0.5		1 0.5		
Other resources						
Total		1.5		1.5		

If additional resources are required, indicate the pace at which they will have to be made available.

10.2 Overall financial impact of human resources

(EUR)

	Amounts	Method of calculation
Officials Temporary staff Other resources (indicate budget heading)	162 000 0 0	1.5 man-years at 108 000 (unit cost), titles A1, A2, A4, A5 and A7
Total	162 000	

The figures give the total cost of the additional posts for the entire duration of the project if it is of a fixed duration or for 12 months if it is of unlimited duration.

10.3 Increase in other administrative expenditure as a result of the operation

(EUR)

Budget heading (No and title)	Amounts	Method of calculation
A-7010	p.m.	**Cooperation Council**: all meetings to be held in Brussels once a year. The Council organises these meetings, so the Commission merely participates with its officials but does not bear any costs (conference organisation, interpretation, etc.)
	20 000	**Cooperation Committee**: Meetings (usually one a year) alternate between Brussels and Tashkent - Tashkent meetings: 4-day mission for 10 Commission officials from various DGs (EUR 2000 a head from the general budget), Subcommittees and other bodies: Estimated 2 meetings a year, one in Tashkent, one in Brussels
	16 000	- Tashkent meeting (once a year): 4-day mission for 8 officials (general budget) Travel costs for Council representatives participating in meetings of the Cooperation Committee and of subcommittees and other groups are paid by the Council's General Secretariat.
A-7031	p.m.	
Total		
A-701	36 000	For years where Cooperation Committee meets in Tashkent
	16 000	For years where Cooperation Committee meets in Brussels
A-7031	p.m.	

The figures give the total cost of the posts for the entire duration of the project if it is of a fixed duration or for 12 months if it is of unlimited duration.

NB: The necessary resources for missions by Commission officials will be obtained through redeployment of existing resources.