



Brussels, 12.6.2014
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2014/0181 (NLE)

Proposal for a

COUNCIL DECISION

on the Union's position in the Cooperation Council established by the Partnership and Cooperation Agreement between the European Community and its Member States on the one hand and the Republic of Moldova on the other, with regard to adopting a Recommendation on implementing the EU-Moldova Association Agenda

EXPLANATORY MEMORANDUM

A Partnership and Cooperation Agreement between the European Community and its Member States, of the one part, and the Republic of Moldova (hereinafter 'Moldova'), of the other part ('the Agreement'), was signed on 28 November 1994 and entered into force on 1 July 1998. It is based on a commitment to shared values and effective implementation of political, economic and institutional reforms.

A joint EU-Moldova European Neighbourhood Policy Action Plan, based on the Partnership and Cooperation Agreement, sets out strategic objectives and encourages and supports Moldova's objective of further integration into European economic and social structures.

Moldova is a partner country within the European Neighbourhood Policy. This has changed the context of relations between it and the European Union in a significant and positive way. The EU and Moldova have now finalised negotiations for an Association Agreement, which will replace the Partnership and Cooperation Agreement. These negotiations were substantively completed on 25 June 2013, and the Agreement was initialled on 29 November 2013 during the Eastern Partnership Summit in Vilnius, Lithuania.

The Association Agreement will significantly deepen Moldova's political association with and economic integration in the EU. It includes the gradual implementation of a deep and comprehensive free-trade area.

The successful implementation of a visa liberalisation action plan has resulted in visa-free travel between the EU and Moldova, and is a fundamental element underpinning the Republic of Moldova's political association with and economic integration in the EU. This substantial enhancement of mobility and people-to-people contacts was envisaged in the Association Agreement.

The EU Heads of State and Government initially planned to sign the Association Agreement in the autumn of 2014. Prompted by worrisome developments in Ukraine, which could also impact other countries in the region, signature of the agreement was brought forward to August, and then to June. The institutions are working hard to shorten the time needed to finalise the Agreement texts, and to ensure that this objective is met.

The Association Agreement can only enter into force once it is ratified by all parties (i.e. the EU, its Member States and Moldova). This is likely to be a lengthy process, possibly lasting several years. Therefore, the Agreement envisages the provisional application of certain of its parts once Moldova has completed the necessary procedures (note that the Constitution of Moldova allows for direct provisional application, without prior ratification) and once the EU has notified its readiness for provisional application to start.

The aim of the Association Agenda is to prepare and facilitate implementation of the Association Agreement. It creates a practical framework through which the overriding objectives of political association and economic integration can be achieved. It replaces the EU-Moldova European Neighbourhood Policy Action Plan.

Based on the structure of the Association Agreement, the Association Agenda sets out a list of priorities for joint work in the 2014-16 period. The fact that the Association Agenda focuses on a limited number of priorities does not affect the scope or mandate of the current dialogue held under the Partnership and Cooperation Agreement or other agreements. It does not prejudice the implementation of commitments made under the Association Agreement once it enters into force or is provisionally applied. Unlike the Association Agreement, the Association Agenda is not a legally-binding instrument under international law.

The proposal for a Council Decision on the Union position in the EU-Moldova Cooperation Council with regard to adopting the Association Agenda follows.

The Commission requests that the Council adopts this draft Council Decision.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 217, in conjunction with Article 218(9) thereof,

Having regard to the Partnership and Cooperation Agreement between the European Community and its Member States on one hand and the Republic of Moldova on the other ('the PCA'), and in particular Article 82 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The PCA was signed on 28 November 1994 and entered into force on 1 July 1998.
- (2) The Association Agreement between the European Union and its Member States of the one part, and the Republic of Moldova, of the other part ('the Association Agreement'), was initialled on 29 November 2013 during the Eastern Partnership Summit in Vilnius, Lithuania.
- (3) Pending its entry into force, the Association Agreement is to be provisionally applied as soon as is possible for the parties involved.
- (4) To support the implementation of the Association Agreement, the parties have agreed to negotiate an Association Agenda that will include a list of priorities for joint work in the 2014-16 period.
- (5) The parties have agreed on an Association Agenda which will be adopted by the Cooperation Council set up under the PCA, pending the establishment of the institutional framework of the Association Agreement.
- (6) The Union's position to be taken in the Cooperation Council on adopting the recommendation on implementing the EU-Moldova Association Agenda must be adopted by the Council,

HAS ADOPTED THIS DECISION:

Article 1

The Union's position in the Cooperation Council established by the Partnership and Cooperation Agreement between the European Community and its Member States, of the one part, and the Republic of Moldova, of the other part, with regard to implementation of the Association Agenda shall be based on the draft Recommendation of the Cooperation Council attached to this Decision.

Article 2

This Decision enters into force on the day of its adoption.

Done at Brussels,

*For the Council
The President*