



Council of the
European Union

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2016/0042 (NLE)

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PROPOSAL

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	18 February 2016
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2016) 70 final
Subject:	Proposal for a COUNCIL DECISION on the signing, on behalf of the European Union and its Member States, of the Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and Turkmenistan, of the other part, to take account of the accession of the Republic of Bulgaria, the Czech Republic, the Republic of Estonia, the Republic of Croatia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, Hungary, the Republic of Malta, the Republic of Poland, Romania, the Republic of Slovenia and the Slovak Republic to the European Union

Delegations will find attached document COM(2016) 70 final.

Encl.: COM(2016) 70 final



EUROPEAN
COMMISSION

Brussels, 18.2.2016
COM(2016) 70 final

2016/0042 (NLE)

Proposal for a

COUNCIL DECISION

on the signing, on behalf of the European Union and its Member States, of the Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and Turkmenistan, of the other part, to take account of the accession of the Republic of Bulgaria, the Czech Republic, the Republic of Estonia, the Republic of Croatia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, Hungary, the Republic of Malta, the Republic of Poland, Romania, the Republic of Slovenia and the Slovak Republic to the European Union

EXPLANATORY MEMORANDUM

The attached proposal constitutes the legal instrument for the signature of a Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and Turkmenistan, of the other part, to take account of the accession of the Republic of Bulgaria, the Czech Republic, the Republic of Estonia, the Republic of Croatia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, Hungary, the Republic of Malta, the Republic of Poland, Romania, the Republic of Slovenia and the Slovak Republic to the European Union (hereinafter referred to as 'the Protocol').

According to their Acts of Accession in 2003, 2005 and 2011 respectively, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic, the Republic of Bulgaria and Romania, the Republic of Croatia shall accede to the international agreements signed or concluded by the European Union and its Member States by means of a protocol to those agreements.

The Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and Turkmenistan, of the other part, hereinafter referred to as 'the Agreement', was signed in Brussels on 25 May 1998 (the Agreement is currently undergoing ratification and has not yet entered into force).

The Council Decision of 14 September 2012¹ authorised the Commission to open negotiations with the third countries concerned, in order to conclude the relevant protocols. The negotiations with Turkmenistan were successfully concluded by the initialling of the Protocol.

The proposed Protocol incorporates the Republic of Bulgaria, the Czech Republic, the Republic of Estonia, the Republic of Croatia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, Hungary, the Republic of Malta, the Republic of Poland, Romania, the Republic of Slovenia and the Slovak Republic as contracting party to the Agreement and commits the EU to providing the authentic version of the Agreement in the the Bulgarian, Croatian, Czech, Estonian, Hungarian, Latvian, Lithuanian, Maltese, Polish, Romanian, Slovak and Slovenian languages.

The Commission considers the outcome of the negotiations satisfactory and requests the Council to authorise the signature, on behalf of the European Union and its Member States, of the Protocol.

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).

Proposal for a

COUNCIL DECISION

on the signing, on behalf of the European Union and its Member States, of the Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and Turkmenistan, of the other part, to take account of the accession of the Republic of Bulgaria, the Czech Republic, the Republic of Estonia, the Republic of Croatia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, Hungary, the Republic of Malta, the Republic of Poland, Romania, the Republic of Slovenia and the Slovak Republic to the European Union

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 207 and 209, in conjunction with Article 218(5) thereof,

Having regard to the 2003 Act of Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic, and in particular Article 6 (2) thereof,

Having regard to the 2005 Act of Accession of the the Republic of Bulgaria and Romania, and in particular Article 6 (2) thereof,

Having regard to the 2011 Act of Accession of the Republic of Croatia, and in particular Article 6 (2) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) In accordance with Article 6(2) of the 2003 Act of Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic, Article 6(2) of the 2005 Act of Accession of the Republic of Bulgaria and Romania, Article 6(2) of the 2011 Act of Accession of the Republic of Croatia, the accession to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and Turkmenistan, of the other part ('the Agreement') is to be agreed by means of a protocol to the Agreement. In accordance with Article 6(2) of the 2003, 2005 and 2011 Acts of Accession, a simplified procedure is to apply to such accessions, whereby a protocol is to be concluded by the Council, acting unanimously on behalf of the Member States, and by the third countries concerned.

- (2) On 8 December 2003, the Council authorised the Commission, on behalf of the Community and its Member States, to negotiate with Turkmenistan a Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and Turkmenistan, of the other part to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union.
- (3) On 23 October 2006, the Council authorised the Commission, on behalf of the Community and its Member States, to negotiate with Turkmenistan a Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and Turkmenistan, of the other part to take account of the accession of the Republic of Bulgaria and Romania to the European Union.
- (4) On 14 September 2012, the Council authorised the Commission to open negotiations with the third countries concerned² on the adaptation of agreements signed or concluded between the European Union, or the European Union and its Member States, in view of the accession of the Republic of Croatia to the European Union.
- (5) The Protocol should be signed on behalf of the Union and its Member States, subject to its conclusion at a later date,

HAS ADOPTED THIS DECISION:

Article 1

The signing on behalf of the Union and its Member States of the Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and Turkmenistan, of the other part, to take account of the accession of the Republic of Bulgaria, the Czech Republic, the Republic of Estonia, the Republic of Croatia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, Hungary, the Republic of Malta, the Republic of Poland, Romania, the Republic of Slovenia and the Slovak Republic to the European Union is hereby authorised, subject to the conclusion of the said Protocol.

The text of the Protocol will be published together with the Decision on its conclusion.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Protocol on behalf of the Union and its Member States.

² 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)

Article 3

This Decision shall enter into force on the day of its adoption.

Done at Brussels,

*For the Council
The President*