



Brussels, 3.8.2017
COM(2017) 412 final

2017/0184 (NLE)

Proposal for a

COUNCIL DECISION

on the signing, on behalf of the European Union and its Member States, and provisional application 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, 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.

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. Negotiations with the Kyrgyz Republic were successfully concluded by exchange of notes verbales.

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

The Commission considers the outcome of the negotiations satisfactory and proposes the signing and conclusion of the Protocol. Through the proposal attached, the Commission hereby requests the Council to authorise the signature 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).

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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 Articles 207 and 209, in conjunction with Article 218(5) thereof,

Having regard to the 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 Act of Accession of Croatia, the accession of Croatia to the Partnership and Cooperation Agreement establishing a partnership between the European Union 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. In accordance with Article 6(2) of the Act of Accession, a simplified procedure is to apply to such accession, 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 14 September 2012, the Council authorised the Commission to open negotiations with the Kyrgyz Republic for the adaptation of the Agreement³. Negotiations were successfully concluded by exchange of notes verbales.
- (3) Therefore, the Protocol should be signed on behalf of the Union and its Member States, subject to its conclusion at a later date.
- (4) In order to ensure its efficient application, the Protocol should be applied provisionally with effect from the date of accession of Croatia to the Union,

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:

Article 1

The signing on behalf of the Union and its Member States 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 on behalf of the Union and its Member States, subject to the conclusion of that Protocol.

The text of the Protocol is attached to this Decision.

Article 2

The Council Secretariat General shall establish the instrument of full powers to sign the Protocol, subject to its conclusion, for the person(s) indicated by the negotiator of the Protocol.

Article 3

The Protocol shall be applied provisionally, in accordance with Article 4(3) thereof, as from 1 July 2013, pending its entry into force.

Article 4

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

Done at Brussels,

*For the Council
The President*