



COMMISSION OF THE EUROPEAN COMMUNITIES

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Proposal for a

COUNCIL DECISION

on the signing and provisional application of a Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Turkmenistan, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union

(presented by the Commission)

EXPLANATORY MEMORANDUM

The Partnership and Cooperation Agreement (PCA) between the European Communities and their Member States, of the one part, and the Republic of Turkmenistan, of the other part, signed in Brussels, on 25 May 1998 has not yet entered into force.

As it was signed before the enlargement of the European Union to include the Republic of Bulgaria and Romania, a Protocol to the PCA needs to be drawn up to allow the new Member States to accede to the Agreement when it will enter into force.

As authorised by the Council on 23 October 2006, the Commission has negotiated on behalf of the Community and its Member States, with the Republic of Turkmenistan with a view to concluding a Protocol to the Partnership and Cooperation Agreement. The negotiations with the Republic of Turkmenistan have been completed and the text of the negotiated protocol is attached.

The attached proposals are for (1) a Council Decision on the signature and provisional application of the Protocol and (2) a Council and Commission Decision on the conclusion of the Protocol.

The Commission proposes that the Council should:

- take a decision on the signature and provisional application of the Protocol on behalf of the European Community and its Member States;
- conclude the Protocol on behalf of the European Community and its Member States and gives its approval for conclusion of the Protocol by the European Atomic Energy Community.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 44(2), the last sentence of Article 47(2), and Articles 55, 57(2), 71, 80(2), 93, 94, 133 and 181a, in conjunction with the second sentence of Article 300(2) thereof,

Having regard to the Treaty of Accession of the Republic of Bulgaria and Romania, and in particular Article 4(3) thereof,

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

Having regard to the proposal from the Commission¹,

Whereas:

- (1) On 23 October 2006, the Council authorised the Commission, on behalf of the Community and its Member States, to negotiate with the Republic of Turkmenistan a Protocol to the Partnership and Cooperation Agreement to take account of the accession of the Republic of Bulgaria and Romania to the European Union.
- (2) Subject to its possible conclusion at a later date, the Protocol initialled on **[Date]** should be signed on behalf of the European Community and its Member States.
- (3) The Protocol should be applied on a provisional basis as from the date of entry into force of the Partnership and Cooperation Agreement, pending completion of the relevant procedures for its formal conclusion,

HAS DECIDED AS FOLLOWS:

Article 1

The President of the Council is hereby authorised to designate the person(s) empowered to sign, on behalf of the European Community and its Member States, the Protocol to the Partnership and Cooperation Agreement between the European Communities and their

¹ OJ C [...], [...], p. [...].

Member States, of the one part, and the Republic of Turkmenistan, of the other part, to take account of the accession of the Republic of Bulgaria and Romania, subject to possible conclusion at a later stage.

The text of the Protocol is attached to this Decision.

Article 2

Pending its entry into force, the Protocol shall be applied on a provisional basis from the date of entry into force of the Partnership and Cooperation Agreement with the Republic of Turkmenistan.

Done at Brussels,

*For the Council
The President*

ANNEX

PROTOCOL

TO THE PARTNERSHIP AND CO-OPERATION AGREEMENT between the European Communities and their Member States, of the one part and the Republic of Turkmenistan, of the other part (PCA), on accession of the Republic of Bulgaria and Romania to the PCA

THE KINGDOM OF BELGIUM,

THE REPUBLIC OF BULGARIA,

THE CZECH REPUBLIC,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF ESTONIA,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

IRELAND,

THE ITALIAN REPUBLIC,

THE REPUBLIC OF CYPRUS,

THE REPUBLIC OF LATVIA,

THE REPUBLIC OF LITHUANIA,

THE GRAND DUCHY OF LUXEMBOURG,

THE REPUBLIC OF HUNGARY,

THE REPUBLIC OF MALTA,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE REPUBLIC OF POLAND,

THE PORTUGUESE REPUBLIC,

ROMANIA,

THE REPUBLIC OF SLOVENIA,

THE SLOVAK REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

hereinafter referred to as the 'Member States', represented by the Council of the European Union, and

THE EUROPEAN COMMUNITY AND THE EUROPEAN ATOMIC ENERGY COMMUNITY,

hereinafter referred to as 'the Communities', represented by the Council of the European Union and the European Commission,

of the one part, and the

REPUBLIC OF TURKMENISTAN

of the other part,

hereinafter referred to as "Parties" for the purposes of this Protocol,

HAVING REGARD TO the provisions of the Treaty between the Kingdom of Belgium, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland, (Member States of the European Union) and the Republic of Bulgaria and Romania concerning the accession of the Republic of Bulgaria and Romania to the European Union, which was signed in Luxembourg on 25 April 2005 and will enter into force on 1 January 2007,

CONSIDERING the new situation in relations between the Republic of Turkmenistan and the European Union arising from the accession to the EU of two new Member States, which opens opportunities and brings about challenges for the co-operation between the Republic of Turkmenistan and the European Union,

TAKING INTO ACCOUNT the desire of the Parties to ensure the attainment and implementation of the objectives and principles of the PCA;

HAVE AGREED AS FOLLOWS:

Article 1

The Republic of Bulgaria and Romania 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 the Republic of Turkmenistan, of the other part, signed in Brussels, on 25 May 1998 (hereinafter the 'Agreement') and shall respectively adopt and take note, in the same manner, as the other Member States, of the texts of the Agreement, as well as of the Joint Declarations, Exchanges of Letters, and Declaration by the Republic of Turkmenistan annexed to the Final Act signed on the same date.

Article 2

This Protocol shall form an integral part of the Agreement.

Article 3

1. This Protocol shall be approved by the Communities, by the Council of the European Union on behalf of the Member States and by the Republic of Turkmenistan in accordance with their own procedures.
2. The Parties shall notify each other of the completion of the corresponding procedures referred to in the preceding paragraph. The instruments of approval shall be deposited with the General Secretariat of the Council of the European Union.

Article 4

1. This Protocol shall enter into force on the same day as the Agreement, provided that all the instruments of approval of this Protocol have been deposited by that day.
2. Where not all instruments of approval of this Protocol have been deposited by that date, this Protocol shall enter into force on the first day of the first month following the date of deposit of the last instrument of approval.
3. Where not all instruments of approval of this Protocol have been deposited by the date of entry into force of the Agreement, this Protocol shall apply provisionally with effect from the date of entry into force of the Agreement.

Article 5

1. The texts of the Agreement, the Final Act and all documents annexed to it are drawn up in the Bulgarian and Romanian languages.
2. 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 to it are drawn up.

Article 6

This Protocol is drawn up in duplicate in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovene, Slovak, Spanish, Swedish and Turkmen languages, each of these texts being equally authentic.

Done at ... on in the year 2007

FOR THE MEMBER STATES

FOR THE EUROPEAN COMMUNITIES

FOR THE REPUBLIC OF TURKMENISTAN