Basic information

1994/0136(AVC) AVC - Assent procedure (historic) EC/Ukraine Partnership and Cooperation Agreement See also 1996/0090(AVC) See also 2004/0080(CNS) See also 2007/0004(CNS) See also 2010/0218(NLE) **Subject** 6.40.04 Relations with the Commonwealth of Independent States (CIS) **Geographical area** Ukraine	Procedure completed

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
AFET Foreign Affairs, Security and Defense Policy	GOMOLKA Alfred (PPE)	28/07/1994

Committee for opinion	Rapporteur for opinion	Appointed
BUDG Budgets	MCCARTIN John Joseph (PPE)	26/09/1994
ENER Research, Technological Development and Energy	MANN Erika (PSE)	04/10/1994
RELA External Economic Relations	The committee decided not to give an opinion.	
TRAN Transport and Tourism		

Council of the European Union

Council configuration	Meetings	Date
General Affairs	1847	1995-05-29
General Affairs	2066	1998-01-26
General Affairs	1767	1994-06-13

Key events

Date	Event	Reference	Summary
01/06/1994	Initial legislative proposal published	COM(1994)0226	Summary
08/05/1995	Modified legislative proposal published	COM(1995)0137	Summary
29/05/1995	Debate in Council		
24/07/1995	Legislative proposal published	07804/1995	
18/09/1995	Committee referral announced in Parliament		
30/10/1995	Vote in committee		Summary
30/10/1995	Committee report tabled for plenary, 1st reading/single reading	A4-0279/1995	
29/11/1995	Debate in Parliament		Summary
26/01/1998	Act adopted by Council after consultation of Parliament		
26/01/1998	End of procedure in Parliament		
19/02/1998	Final act published in Official Journal		

Technical information

Procedure reference	1994/0136(AVC)
Procedure type	AVC - Assent procedure (historic)
Procedure subtype	International agreement
Amendments and repeals	See also 1996/0090(AVC) See also 2004/0080(CNS) See also 2007/0004(CNS) See also 2010/0218(NLE)
Legal basis	Euratom Treaty A 101-p2 EC Treaty (before Amsterdam) E 228-p2/3-a2 EC Treaty (before Amsterdam) E 238 ECSC Treaty C 095
Stage reached in procedure	Procedure completed
Committee dossier	AFET/4/06939

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A4-0279/1995 OJ C 323 04.12.1995, p. 0005	30/10/1995	
Text adopted by Parliament, 1st reading/single reading		T4-0580/1995 OJ C 339 18.12.1995, p. 0039-0042	30/11/1995	Summary

Council of the EU

Document type	Reference	Date	Summary

Document attached to the procedure	07029/1994	07/06/1994	
Legislative proposal	07804/1995	24/07/1995	Summary
Supplementary legislative basic document	N4-0363/1995	07/08/1995	Summary

European Commission

Document type	Reference	Date	Summary
Initial legislative proposal	COM(1994)0226	01/06/1994	Summary
Modified legislative proposal	COM(1995)0137	08/05/1995	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Decision 1998/0149
OJ L 049 19.02.1998, p. 0001 Summary

EC/Ukraine Partnership and Cooperation Agreement

1994/0136(AVC) - 30/11/1995 - Text adopted by Parliament, 1st reading/single reading

In adopting the report by Mr GOMOLKA (EPP, D), Parliament gave its assent to the proposal for a decision to conclude a partnership and cooperation agreement between the European Communities and the Ukraine.

EC/Ukraine Partnership and Cooperation Agreement

1994/0136(AVC) - 24/07/1995

In a letter of 24 July 1995 addressed to the European Parliament, the Council informed the President of the Parliament that the EC-Ukraine agreement still contained uncertainties as to the inclusion of certain articles in the legal basis. The Council therefore informed Parliament that it reserved the right to determine the appropriate legal basis in a conclusive manner at some later stage and that it would not fail to inform Parliament of this in good time. At the present stage the legal basis of the draft decision concluding the agreement is as follows: - Article 95 of the ECSC Treaty; - Articles 54 (second paragraph); 57, (second paragraph, last sentence); 66; 73c (second paragraph); 75; 84 (second paragraph); 99; 100; 100a; 113 and 235 of the Treaty on European Union in conjunction with Article 228 (second and third paragraphs, second line); - Article 101 of the EURATOM Treaty. However, the Council would be referring the provisional text of the agreement to Parliament in order to give the latter the opportunity to commence work.

EC/Ukraine Partnership and Cooperation Agreement

1994/0136(AVC) - 26/01/1998 - Final act

OBJECTIVE: conclusion of a partnership and cooperation agreement between the European Communities and their Member States and Ukraine. COMMUNITY MEASURE: Council and Commission Decision 98/149/EC, ECSC, Euratom on the conclusion of the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and Ukraine, of the other part. SUBSTANCE: this is an agreement covering areas of competence of the Community and the Member States. - Term of the agreement: it is concluded for an initial period of 10 years and will be automatically renewed year-by-year unless one of the two parties objects. - Democratic clause: the agreement is based on respect for

human rights and democratic principles and on the Helsinki Final Act and the Charter of Paris. - A political dialogue is established between the parties seeking essentially to strengthen the economic and political links between the Union and Ukraine and to deal with international issues. - Areas of cooperation: the agreement provides for the establishment in future of a free trade area (the parties will consider in 1998 whether the situation allows for the opening of negotiations for this purpose) and strengthens cooperation in all of the following areas: .trade in goods; .conditions concerning the employment of nationals of each of the parties; .establishment and operation of companies; .cross-border supply of services; .current payments and capital; .competition; .protection of intellectual, industrial and commercial property; .legislative cooperation; .economic and industrial cooperation (strengthening of commercial links, investment promotion and protection, public procurement); .cultural cooperation and tourism; .scientific and technological cooperation, energy, transport, telecommunications, space, etc.; .cooperation in the field of education and training; .cooperation in the area of environment, agriculture and the agro-industrial sector, consumer protection; .cooperation in the civil nuclear sector (in particular with regard to dealing with the problems resulting from the Chernobyl disaster); .cooperation in the field of drugs and money laundering; .social cooperation (protection of the health of workers); .financial cooperation: it takes the form of grants under the TACIS programme. - The agreement establishes the institutional framework for its implementation by providing a three-fold structure: a Cooperation Council at ministerial level (also responsible for matters of political dialogue), a cooperation committee, consisting of representatives at senior civil servant level and a parliamentary committee (comprising members of the European Parliament and the Ukrainian Parliament). ENTRY INTO FORCE OF THE AGREEMENT: the agreement signed by the Community of Twelve and Ukraine on 14 June 1994 will enter into force on 1 March 1998 (NB: as the procedures extending this agreement to Austria, Sweden and Finland - see file AVC96090 - have not yet been concluded, the protocol extending this agreement to these three countries will enter into force at a later date).

EC/Ukraine Partnership and Cooperation Agreement

1994/0136(AVC) - 07/08/1995 - Supplementary legislative basic document

In its letter of 7 August 1995, the Council informed the European Parliament that the definitive legal basis for the draft decision concluding the EC-Ukraine agreement is established and that, as a result, the revised draft decision can be adopted. The definitive legal basis for the draft decision is therefore as follows: - Article 95 of the ECSC Treaty; - Articles 54 (second paragraph); 57, (second paragraph, last sentence); 66; 73c (second paragraph); 75; 84 (second paragraph); 99; 100; 113 and 235 of the Treaty on European Union, in conjunction with Article 228 (second and third paragraphs, second line); - Article 101 of the EURATOM Treaty. At the same time, the draft decision stipulates the position which the Community should adopt within the EC-Ukraine Cooperation Council and Committee which are established under the agreement: this position is adopted by the Council at the Commission's instigation or, if necessary, by the Commission, in accordance with the relevant provisions of the treaties establishing the Community, the ECSC and EURATOM. It also specifies that the President of the Council shall chair the Cooperation Council, in accordance with the agreement, and in this capacity shall present the Community's position (a representative of the Commission will chair the Cooperation Committee and present the Community's position).

EC/Ukraine Partnership and Cooperation Agreement

1994/0136(AVC) - 08/05/1995 - Modified legislative proposal

Given the Court of Justice's opinion 1/94 of 15 November 1994 on the European Community's competence to conclude the agreements resulting from the Uruguay Round, the procedure envisaged for the present agreement had proven to be inappropriate. Similarly, the provisional application of the Energy Charter (signed on 17 December 1994) required that the legal basis of the agreement be changed whilst respecting the differences between the contents of the partnership and cooperation agreement and the Charter. The legal bases to added further to Articles 113 and 235 of the EC Treaty and Article 101 of the ECSC Treaty initially envisaged (in conjunction with Article 228), were the following: - Article 54(2) and the last sentence of Article 57(2), as with the Energy Charter: the requirements set out in the agreements relating to establishment affected the rules adopted by the Communities on issues relating to the stock exchange and accounting as well as banking and insurance matters; - Article 73c(2) of the EC Treaty, as with the Charter: the requirements set out in the agreement relating to the free movement of capital and payments have concerned the Community since the entry into force of the second stage of EMU; - Articles 75 and 84(2) of the EC Treaty: contrary to the Charter, the agreement would have a certain impact on Community transport regulations (primarily in the maritime sector). According to the Commission, it was not necessary to add any other legal bases, particularly since Article 235 more or less supported the economic cooperation provided for in the agreement. It was not a question of purely extending significantly the provisions in the 1989 agreement. Community competence was not exclusive; rather it should operate in tandem with that of the Member States. The Court's reflections as to the conditions in which exclusive competence could be based on Article 235 through the application of the AETR case law were thus not relevant in this case. Furthermore, the ECSC Consultative Committee had been consulted with regard to the conclusion of the partnership agreement with Ukraine (on 31 March 1995).

EC/Ukraine Partnership and Cooperation Agreement

1994/0136(AVC) - 01/06/1994 - Initial legislative proposal

The proposal for a decision seeks to permit the conclusion of the Partnership and Cooperation Agreement between the European Community and its Member States, of the one part, and Ukraine, of the other part. This mixed agreement covers areas of competence of the Community and the Member States. It is concluded for a period of 10 years and establishes a political dialogue between the parties. The Agreement includes provisions relating to trade in goods, employment conditions, the establishment and operation of companies, cross-border supply of services, current payments and capital, competition, the protection of intellectual, industrial and commercial property, legislative cooperation, economic and financial cooperation and cultural cooperation. The Agreement also includes a conditionality clause on human rights, allowing its suspension - on a unilateral basis if necessary - in the event of any breach of its essential elements, including respect for democratic principles, human rights and the principles of the market economy. The Agreement will be administered by a threefold structure, comprising a Cooperation Council, a Cooperation Committee and a Parliamentary Cooperation Committee. The arrangements for cooperation on customs matters are covered by separate protocol.