




Basic information	
<p><b>1994/0224(AVC)</b></p> <p>AVC - Assent procedure (historic)</p>	Procedure completed
<p>EC/Kyrgyzstan Partnership and Cooperation Agreement</p> <p>See also <a href="#">1995/0063(CNS)</a>  See also <a href="#">2004/0095(CNS)</a>  See also <a href="#">2007/0047(CNS)</a>  See also <a href="#">2017/0185(NLE)</a></p> <p><b>Subject</b></p> <p>6.40.04.06 Relations with central Asian countries</p> <p><b>Geographical area</b></p> <p>Kyrgyzstan</p>	



Key players				
European Parliament	<b>Committee responsible</b>		<b>Rapporteur</b>	<b>Appointed</b>
	<b>AFET</b>	Foreign Affairs, Security and Defense Policy	LALUMIÈRE Catherine (ARE)	28/07/1994
	<b>Committee for opinion</b>		<b>Rapporteur for opinion</b>	<b>Appointed</b>
	<b>ENER</b>	Research, Technological Development and Energy	SCAPAGNINI Umberto (FE)	30/11/1994
	<b>RELA</b>	External Economic Relations	The committee decided not to give an opinion.	
	<b>TRAN</b>	Transport and Tourism		
	Council of the European Union	<b>Council configuration</b>		<b>Meetings</b>
General Affairs		1827	1995-02-06	
General Affairs		1778	1994-07-18	
Environment		1817	1994-12-16	
Fisheries		2170	1999-05-12	

Key events			
Date	Event	Reference	Summary

05/10/1994	Initial legislative proposal published	COM(1994)0412 	<a href="#">Summary</a>
08/05/1995	Modified legislative proposal published	COM(1995)0137 	<a href="#">Summary</a>
24/07/1995	Legislative proposal published	<a href="#">07804/1995</a>	
18/09/1995	Committee referral announced in Parliament		
30/10/1995	Vote in committee		<a href="#">Summary</a>
30/10/1995	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A4-0277/1995</a>	
29/11/1995	Debate in Parliament		
12/05/1999	Act adopted by Council after consultation of Parliament		
12/05/1999	End of procedure in Parliament		
28/07/1999	Final act published in Official Journal		

Technical information	
<b>Procedure reference</b>	1994/0224(AVC)
<b>Procedure type</b>	AVC - Assent procedure (historic)
<b>Procedure subtype</b>	International agreement
<b>Amendments and repeals</b>	See also <a href="#">1995/0063(CNS)</a> See also <a href="#">2004/0095(CNS)</a> See also <a href="#">2007/0047(CNS)</a> See also <a href="#">2017/0185(NLE)</a>
<b>Legal basis</b>	Euratom Treaty A 101- EC Treaty (after Amsterdam) EC 047-p2-a1 EC Treaty (after Amsterdam) EC 057-p2 EC Treaty (after Amsterdam) EC 308 EC Treaty (after Amsterdam) EC 133 EC Treaty (after Amsterdam) EC 300-p2-a2 EC Treaty (after Amsterdam) EC 300-p3-a2 EC Treaty (after Amsterdam) EC 080-p2 EC Treaty (after Amsterdam) EC 044-p1 EC Treaty (after Amsterdam) EC 071
<b>Stage reached in procedure</b>	Procedure completed
<b>Committee dossier</b>	AFET/4/06943

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A4-0277/1995</a> <a href="#">OJ C 323 04.12.1995, p. 0005</a>	30/10/1995	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T4-0587/1995</a> <a href="#">OJ C 339 18.12.1995, p. 0039-0051</a>	30/11/1995	<a href="#">Summary</a>
Council of the EU				

Document type	Reference	Date	Summary
Document attached to the procedure	09366/1994	03/10/1994	
Legislative proposal	07804/1995	24/07/1995	Summary
Supplementary legislative basic document	N4-0361/1995	25/08/1995	Summary
<b>European Commission</b>			
Document type	Reference	Date	Summary
Initial legislative proposal	COM(1994)0412  OJ C 326 24.11.1994, p. 0008	05/10/1994	Summary
Modified legislative proposal	COM(1995)0137 	08/05/1995	Summary

Additional information		
Source	Document	Date
European Commission	EUR-Lex	

Final act	
Decision 1999/0491 OJ L 196 28.07.1999, p. 0046	Summary

## EC/Kyrgyzstan Partnership and Cooperation Agreement

1994/0224(AVC) - 12/05/1999 - Final act

**PURPOSE** : to conclude the Partnership and Cooperation Agreement between the European Communities and their Member States and the Kyrgyz Republic. **COMMUNITY MEASURE** : Decision 1999/491/EC, ECSC, Euratom of the Council and the Commission relating to the conclusion of the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Kyrgyz Republic, of the other part. **CONTENT** : the decision aims to allow the conclusion of the Partnership and Cooperation Agreement between the Communities and the Kyrgyz Republic. It relates to a mixed agreement covering sectors of national and Community competences. The Agreement is concluded for a period of 10 years. The Agreement establishes a political dialogue of the highest level. It includes measures relating to the trade of goods, employment conditions, the setting up and the activities of companies, the benefits of cross-border services, payments and capital, competition, protection of intellectual, industrial and commercial property, legal cooperation, economic, financial and cultural cooperation. In addition, the Agreements includes a conditional clause on human rights, allowing its suspension, even unilaterally, in the event of violation of its essential elements, which are the respect of democratic principles, human rights and principles of the market economy. The Agreement will be managed by a triple structure : a Cooperation Council, a Cooperation Committee and a Parliamentary Cooperation Commission. The measures relating to customs cooperation are the subject of a separate protocol. This Agreement replaces the 1989 Agreement on trade and commercial and economic cooperation between the European Communities and the Union of Soviet Socialist Republic. **ENTRY INTO FORCE** : the Agreement enters into force when all the notification procedures have been accomplished by the parties.

## EC/Kyrgyzstan Partnership and Cooperation Agreement

1994/0224(AVC) - 25/08/1995 - Supplementary legislative basic document

In a letter addressed to the President of the European Parliament dated 24 August 1995 the Council forwarded to Parliament the definitive draft decision concluding the EC-Kirghizstan cooperation agreement, on the understanding that the legal uncertainties affecting the agreement had been

removed. The definitive legal basis is therefore as follows: - Article 95 of the ECSC Treaty; - Articles 54 (second paragraph) and 57 (second paragraph) of the EC Treaty (final sentence); - Articles 66, 73c (second paragraph) of the EC Treaty; - Articles 75 and 84 (second paragraph) of the EC Treaty; - Articles 99, 100, 113 and 235, in conjunction with Article 228 (second and third paragraphs, second line) of the EC Treaty; - Article 101 of the EURATOM Treaty. The position which the Community is to adopt within the Cooperation Council and Committee is to be determined by the Council, at the Commission's instigation, or, if necessary, by the Commission in accordance with the EC, ECSC and EURATOM Treaties.

## **EC/Kyrgyzstan Partnership and Cooperation Agreement**

1994/0224(AVC) - 24/07/1995

In a letter addressed to the President of the European Parliament dated 24 July 1995, the Council presented to Parliament the draft decision concluding the agreement, while at the same time bringing to its attention that doubts still remained as to the inclusion of certain articles in the legal basis of the agreement. The Council reserved the right to determine the appropriate legal basis in a definitive manner at some later stage and undertook to inform Parliament of this in good time. Nevertheless, it would send the text of the agreement to Parliament in order that the latter might commence its work. As the wording stood at present, the legal basis of the agreement was as follows: - Article 95 of the ECSC Treaty; - Articles 54 (second paragraph) and 57 (second paragraph) of the EC Treaty (final sentence); - Articles 66, 73c (second paragraph) of the EC Treaty; - Articles 75 and 84 (second paragraph); - Articles 99, 100, 100a, 113 and 235, in conjunction with Article 228 (second and third paragraphs, second line), of the EC Treaty; - Article 101 of the EURATOM Treaty.

## **EC/Kyrgyzstan Partnership and Cooperation Agreement**

1994/0224(AVC) - 05/10/1994 - Initial legislative proposal

The proposal for a decision seeks to permit the conclusion of a partnership and cooperation agreement between the European Communities and their Member States, of the one part, and the Kyrgyz Republic, of the other. This mixed agreement covers sectors of national and Community competence. The agreement is concluded for a period of 10 years and establishes a political dialogue. It comprises measures relating to trade in goods, conditions relating to employment, the establishment and operation of companies, the provision of cross-border services, payments and capital, competition, the protection of intellectual, industrial and commercial property, legislative cooperation, economic and financial cooperation and cultural cooperation. In addition, the Agreement includes a conditionality clause on human rights, allowing its suspension - on a unilateral basis if necessary - in the event of a breach of its essential elements, which are 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 provisions relating to customs cooperation will be the object of a separate protocol. This Agreement replaces the 1989 Agreement on trade and commercial and economic cooperation between the European Communities and the USSR, insofar as it relates specifically to the interests of the Kyrgyz Republic.

## **EC/Kyrgyzstan Partnership and Cooperation Agreement**

1994/0224(AVC) - 30/11/1995 - Text adopted by Parliament, 1st reading/single reading

In adopting the report by Mrs LALUMIERE (ARE, F), Parliament gave its assent to the proposal for a decision to conclude a partnership and cooperation agreement between the European Communities and the Kyrgyz Republic.

## **EC/Kyrgyzstan Partnership and Cooperation Agreement**

1994/0224(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 be 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 interim agreement for the partnership agreement with Kyrgyzstan (on 31 March 1995). As a result, the Committee would not discuss this agreement since the ECSC provisions of the interim agreement were exactly the same as those of the partnership agreement.