



EUROPEAN COMMISSION

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## **RECOMMENDATION FROM THE COMMISSION TO THE COUNCIL**

**authorising the Commission to open negotiations with Turkmenistan to adapt the Partnership and Cooperation Agreement between the European Communities and its Member States, of the one part, and Turkmenistan, of the other part, to take into account of the accession of the Czech Republic, the Republic of Cyprus, the Republic of Estonia, the Republic of Hungary, the Republic of Latvia, the Republic of Lithuania, the Republic of Malta, the Republic of Poland, the Slovak Republic, the Republic of Slovenia to the European Union**

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### A. EXPLANATORY MEMORANDUM

1. The Partnership and Cooperation Agreement (PCA) between the European Communities and its Member States, of the one part, and Turkmenistan, of the other part, signed in Brussels, on 25 May 1998, has not yet entered into force.
2. As it was signed before the enlargement of the European Union to include on 1 May 2004 the Czech Republic, the Republic of Cyprus, the Republic of Estonia, the Republic of Hungary, the Republic of Latvia, the Republic of Lithuania, the Republic of Malta, the Republic of Poland, the Slovak Republic, the Republic of Slovenia and on 1 January 2007 the Republic of Bulgaria and Romania, a Protocol to the PCA needs to be drawn up to allow the 12 new Member States to accede to the Agreement when it will enter into force.
3. Under Article 6 of the Act concerning the conditions of accession of the Czech Republic, the Republic of Cyprus, the Republic of Estonia, the Republic of Hungary, the Republic of Latvia, the Republic of Lithuania, the Republic of Malta, the Republic of Poland, the Slovak Republic, the Republic of Slovenia to the European Union and the adjustment to the Treaties on which the European Union is founded (OJ:L:2003:236; hereinafter the 'Act of Accession'), the accession of the above-mentioned 10 new Member States to the PCA with Turkmenistan is to be agreed by the conclusion of a protocol to this Agreement. Article 6(2) of the Act of Accession provides for a simplified procedure, as this Protocol is to be concluded by the Council of the European Union, acting unanimously on behalf of the Member States, and the third country concerned.
4. As authorised by the Council on 23 October 2006, the Commission has negotiated, on behalf of the Community and its Member States, with Turkmenistan with a view to concluding a Protocol to the PCA to take into account the accession of the Republic of Bulgaria and Romania to the EU, which has not, however, yet been concluded.
5. The Commission will negotiate a Protocol for accession, duly talking into account the Protocol for accession of the Republic of Bulgaria and Romania already negotiated, on behalf of the European Union on the basis of negotiating directives approved by the Council, acting by unanimity, and in consultation with a committee of the representatives of the Member States. It will submit a draft of the joint Protocol for conclusion to the Council.

6. As regards the timetable, these negotiations should be concluded rapidly in order to allow for the Protocol adjusting the PCA to enter into force as soon as possible, before the completion of the ratification of the PCA.

## **B. RECOMMENDATION**

The Commission therefore recommends that the Council:

- authorise the Commission to negotiate, on behalf of the European Union, with Turkmenistan, a protocol adapting the Partnership and Cooperation Agreement between the European Communities and its Member States, of the one part, and Turkmenistan, of the other part, signed in Brussels, on 25 May 1998, to take into account the accession of the Czech Republic, the Republic of Cyprus, the Republic of Estonia, the Republic of Hungary, the Republic of Latvia, the Republic of Lithuania, the Republic of Malta, the Republic of Poland, the Slovak Republic, the Republic of Slovenia to the European Union, on the basis of the annexed negotiating directives, taking due account of the Protocol for accession of the Republic of Bulgaria and Romania already negotiated;
- appoint COEST as special committee, composed of the representatives of the Member States, to assist the Commission in its task; and
- adopt the annexed negotiating directives.

## ANNEX

### Negotiating directives for the adaptation of the Partnership and Cooperation Agreement between the European Communities and its Member States, of the one part, and Turkmenistan, of the other part, to take into account the accession of the Czech Republic, the Republic of Cyprus, the Republic of Estonia, the Republic of Hungary, the Republic of Latvia, the Republic of Lithuania, the Republic of Malta, the Republic of Poland, the Slovak Republic, the Republic of Slovenia to the European Union

#### **1. GENERAL OBJECTIVE**

Adaptation of the Partnership and Cooperation Agreement (PCA) with Turkmenistan to allow for the accession of the new Member States, which joined the EU on 1 May 2004, to this Agreement.

#### **2. CONTENT OF THE PROTOCOL**

The new Member States of the European Union, which joined on 1 May 2004, will accede to the PCA with Turkmenistan. The Protocol will provide for the necessary technical adaptation of the Agreement that will ensue from the accession of ten new contracting parties duly taking into account the Protocol for accession of the Republic of Bulgaria and Romania already negotiated.

#### **3. TIMETABLE**

Negotiations should be concluded rapidly, allowing for adoption of the joint Protocol before the completion of ratification of the PCA with Turkmenistan.