



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 29.03.1996
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Proposal for a
COUNCIL AND COMMISSION DECISION
on the conclusion of a Protocol to the Partnership and Cooperation Agreement
between the European Communities and their Member States
and Ukraine

(presented by the Commission)

Explanatory memorandum

1. The Partnership and Cooperation Agreement between the European Communities and their Member States and Ukraine takes the Agreement on trade and commercial and economic cooperation concluded by the EEC and Euratom with the Soviet Union on 18 December 1989 a step further for the Communities.

This Agreement is based on Articles 54(2), the closing sentence of Article 57(2) and Articles 73c(2), 75, 84(2), 113 and 235, in conjunction with the second sentence of Article 228(2) and the second subparagraph of Article 228(3) of the EC Treaty, Article 101 of the Euratom Treaty and on the ECSC Treaty.

2. A need arose for a protocol to the text of the Agreement signed on 14 June 1994 and amended on 8 May 1995.
3. The accession to the European Union and thereby to the Communities of Austria, Finland and Sweden on 1 January 1995 means these three new Member States have to be added to the list of contracting parties and the list of signatories.

Proposal for a
COUNCIL AND COMMISSION DECISION

**on the conclusion of a Protocol to the Partnership and Cooperation Agreement
between the European Communities and their Member States
and Ukraine**

THE COUNCIL OF THE EUROPEAN UNION,

THE EUROPEAN COMMISSION,

Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to the Treaty establishing the European Community, and in particular Article 54(2), the closing sentence of Article 57(2) and Articles 73c(2), 75, 84(2), 113 and 235 in conjunction with the second sentence of Article 228(2) and the second subparagraph of Article 228(3) thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular the second paragraph of Article 101 thereof,

Having regard to the assent of the European Parliament,

Having regard to the approval of the Council given in accordance with Article 101 of the Treaty establishing the European Atomic Energy Community,

Having consulted the ECSC Consultative Committee and the Economic and Social Committee, and with the unanimous agreement of the Council,

Whereas, the conclusion of the Partnership and Cooperation Agreement between the European Communities and their Member States and Ukraine signed in Luxembourg on 14 June 1994 would contribute to achieving the European Communities' objectives;

Whereas that Agreement seeks to strengthen existing links, notably those established by the Agreement on Trade and Commercial and Economic Cooperation between the European Economic Community and the European Atomic Energy Community and the USSR, signed on 18 December 1989;

Whereas some of the obligations provided for in the Agreement in fields other than Community trade policy affect the arrangements established by Community acts, particularly acts relating to the right of establishment and to transport;

Whereas the Agreement imposes on the Community certain obligations relating to the movement of capital and payments between the Community and Ukraine;

Whereas in the case of certain measures provided for in the Agreement and falling within the Community's powers the EC Treaty provides no basis for action other than Article 235;

HAVE DECIDED AS FOLLOWS :

Article 1

The protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States and Ukraine introducing the name of the three new Member States - Austria, Finland and Sweden - which joined the European Union on 1.1.1995 is hereby approved on behalf of the European Community, the European Coal and Steel Community, and the European Atomic Energy Community.

Article 2

The President of the Council shall give the notification provided for in Article 102 of the Agreement on behalf of the European Community. The President of the Commission shall give such notification on behalf of the European Coal and Steel Community and the European Atomic Energy Community.

Done at Brussels,

PROTOCOL

to the Agreement on Partnership and Cooperation, establishing a Partnership between the European Communities and their Member States, of the one part, and Ukraine, of the other part.

THE KINGDOM OF BELGIUM,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

IRELAND,

THE ITALIAN REPUBLIC,

THE GRAND DUCHY OF LUXEMBOURG,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE PORTUGUESE REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Contracting Parties to the Treaty establishing the European Community, the Treaty establishing the European Coal and Steel Community and the Treaty establishing the European Atomic Energy Community,

hereinafter referred to as the "Member States", and of

the European Community, the European Coal and Steel Community and the European Atomic Energy Community, hereinafter referred to as "the Communities",

of the one part and

Ukraine

of the other part,

taking into account the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union and thereby to the Communities on 1.01.1995,

have agreed as follows :

Article 1

The Republic of Austria, the Republic of Finland and the Kingdom of Sweden are Parties to the Agreement on Partnership and Cooperation, establishing a Partnership between the European Communities and their Member States, of the one part, and Ukraine, of the other part, signed in Luxembourg on 14 June 1994, and respectively adopt and take note of, as other Member States of the Community, the texts of the Agreement, as well as of Joint Declarations, Exchanges of Letters annexed to the Final Act signed on the same date.

Article 2

The texts of the mentioned Agreement, the Final Act and all documents annexed to it are drawn up in the Finnish and Swedish languages. They are annexed to the present 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 3

This protocol is drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish, Swedish and Ukrainian languages, each of these texts being equally authentic.

Article 4

The protocol will be approved by the Parties in accordance with their own procedures. This protocol shall enter into force on the first day of the second month following the day on which the Parties notify each other of the completion of the procedures referred to in the first paragraph.

Done at Brussels on

For the KINGDOM OF BELGIUM,

For the UKRAINE

For the KINGDOM OF DENMARK,

For the FEDERAL REPUBLIC OF GERMANY,

For the HELLENIC REPUBLIC,

For the KINGDOM OF SPAIN,

For the FRENCH REPUBLIC,

For IRELAND,

For the ITALIAN REPUBLIC,

For the GRAND DUCHY OF LUXEMBOURG,

For the KINGDOM OF THE NETHERLANDS,

For the REPUBLIC OF AUSTRIA,

For the PORTUGUESE REPUBLIC,

For the REPUBLIC OF FINLAND,

For the KINGDOM OF SWEDEN,

For the UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

For the COMMUNITY

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