



















Procedure file

Basic information		
NLE - Non-legislative enactments Decision	1998/0031(NLE)	Awaiting committee decision
EC/Turkmenistan Partnership and Cooperation Agreement		
Accompanying procedure 1998/0031M(NLE)		
Accompanying procedure 1998/0031R(NLE)		
See also 2007/0049(NLE)		
See also 2016/0041(NLE)		
Subject 6.40.04.06 Relations with central Asian countries		
Geographical area Turkmenistan		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Foreign Affairs		
	Former committee responsible		
	 Foreign Affairs		
	 Foreign Affairs		24/05/2016
		 MĂNESCU Ramona Nicole	
	 Foreign Affairs, Security and Defense Policy		23/09/1999
		PSE SOULADAKIS Ioannis	
	 Foreign Affairs		
	 Foreign Affairs		
	 Foreign Affairs		
	Committee for opinion	Rapporteur for opinion	Appointed
	 International Trade		
	 Budgets		
	Former committee for opinion		
 International Trade			
 International Trade		The committee decided not to give an opinion.	
 International Trade			
 Budgets			
 Budgets		The committee decided not to give an opinion.	
 Budgets			
 International Trade			
 Budgets			

PSE [WYNN Terence](#)

Council of the European Union	Council configuration	Meeting	Date
	Transport, Telecommunications and Energy	3080	31/03/2011
	General Affairs	1984	20/01/1997
European Commission	Commission DG	Commissioner	
	External Relations	ASHTON Catherine	

Key events

06/02/1998	Preparatory document	COM(1997)0693	Summary
10/06/1998	Initial legislative proposal published	05606/1998	
19/06/1998	Committee referral announced in Parliament		
16/09/2004	Committee referral announced in Parliament		
19/10/2009	Committee referral announced in Parliament		
02/12/2009	Additional information		Summary
17/12/2014	Legislative proposal published	12183/1/2011	Summary
21/10/2019	Committee referral announced in Parliament		

Technical information

Procedure reference	1998/0031(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision
	See also 2007/0049(NLE) See also 2016/0041(NLE)
Legal basis	Treaty on the Functioning of the EU TFEU 218-p6a
Stage reached in procedure	Awaiting committee decision
Committee dossier	AFET/8/06861; AFET/10/00001

Documentation gateway

Preparatory document		COM(1997)0693	06/02/1998	EC	Summary
Initial legislative proposal		05606/1998	10/06/1998	CSL	
Document attached to the procedure		12288/2011	10/10/2011	CSL	
Legislative proposal		12183/2011	17/12/2014	CSL	Summary

EC/Turkmenistan Partnership and Cooperation Agreement

OBJECTIVE: conclusion of a partnership and cooperation agreement between the European Communities and their Member States and Turkmenistan. **SUBSTANCE:** this is a mixed agreement covering sectors of Community and national competence. It is concluded for an initial period of ten years and covers the following elements: . establishment of political dialogue; . provisions on trading goods, labour conditions, establishment and operation of companies, cross-border supply of services, payments and capital, competition, intellectual, industrial and commercial property protection, legislative cooperation, economic cooperation, cooperation on human rights and democracy, cooperation in combating illegal activities and illegal immigration, cultural cooperation and financial cooperation.; . a 'human rights conditionality clause' allowing the agreement to be suspended, even unilaterally, in the event of violation of the essential elements underlying the agreement such as respect for democracy, human rights and the principles of the market economy; . institutional framework: the agreement envisages setting up a Cooperation council, a Cooperation Committee and a Parliamentary Cooperation Committee; . provisions on customs cooperation are covered by a separate protocol. With regard to trade relations between the Community and Turkmenistan, this agreement replaces the 1989 agreement on trade and economic and commercial cooperation between the Community and the former USSR. ?

EC/Turkmenistan Partnership and Cooperation Agreement

The Lisbon Treaty, which entered into force on 1 December 2009, amended the EU's two core treaties, the Treaty on European Union (TEU) and the Treaty establishing the European Community (EC Treaty). The latter was renamed the Treaty on the Functioning of the European Union (TFEU).

These changes had various consequences for many ongoing procedures. First of all, the articles of the TEU and of the old EC Treaty that constitute the legal basis of all the proposals founded on those Treaties were renumbered in accordance with the table of equivalences mentioned in Article 5 of the Lisbon Treaty.

In addition, some proposals underwent a change to their legal basis going beyond a mere change to their numbering, and this resulted in changes to the type of procedure.

The Lisbon Treaty also introduced new concepts of decision-making procedure. The old "codecision procedure" was extended to new areas and renamed the "ordinary legislative procedure". A new "consent procedure" replaced the old "assent procedure". New interinstitutional procedures were also set up for the adoption of certain non-legislative acts, for example the conclusion of some international agreements.

The ongoing proposals concerned by these changes were formally modified by the Commission in a Communication published on 2 December 2009 ([COM\(2009\)0665](#)).

In the case of the proposal for a Council and Commission Decision on the conclusion of the Partnership and Cooperation Agreement between the European Communities and their Member States and Turkmenistan, the entry into force of the Lisbon Treaty had the following impacts:

- the old legal basis ? Treaty/EC/Art. 181a; Treaty/EC/Art. 300(2); Treaty/EC/Art. 300(3) 2nd par; Treaty/EC/Art. 44(1); Treaty/EC/Art. 57(2); Treaty/EC/Art. 80(2); Treaty/EURATOM/Art. 101(2); Treaty/EC/Art. 133; Treaty/ECSC/Art. 95; Treaty/EC/Art. 71; Treaty/EC/Art. 47(2) ? became Art.218(6)(a), Art.50(1), Art.60 2nd para, Art.100(2) of the TFEU. Please note that the numbering of the old legal bases corresponds to the consolidated versions of the Treaties that were applicable immediately before the entry into force of the Lisbon Treaty, and may differ from the references in the original Commission proposal;
- the proposal, which had previously fallen under the old assent procedure (AVC), was classified as an interinstitutional non-legislative procedure (NLE).

EC/Turkmenistan Partnership and Cooperation Agreement

PURPOSE: to conclude, by the European Union and the European Atomic Energy Community, the Partnership and Cooperation Agreement establishing a Partnership between the European Communities and their Member States, of the one part, and Turkmenistan, of the other part.

PROPOSED ACT: Council and Commission Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: the conclusion of the Partnership and Cooperation Agreement establishing a Partnership between the European Communities and their Member States, of the one part, and Turkmenistan, of the other part, signed in Brussels on 25 May 1998, will contribute to achieving the objectives of the Union which aim to strengthen the links established in particular by the Agreement between the European Economic Community and the European Atomic Energy Community and the Union of Soviet Socialist Republics on trade and commercial and economic cooperation, signed on 18 December 1989 and approved by the Council Decision of 26 February 1990.

As a consequence of the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union has replaced and succeeded the European Community and from that date exercises all rights and assumes all obligations of the European Community. Therefore, references to the "European Community" in the text of the Agreement are, where appropriate, to be read as references to the "European Union".

It is now necessary to conclude the protocols to the Agreement to take into account the accession of several Member States to the Union since the signature of the Agreement.

Upon its entry into force, the Agreement will replace the Interim Agreement on trade and trade-related matters between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, of the one part, and Turkmenistan, of the other part, as amended by the Exchange of Letters between the parties.

The Agreement should be approved on behalf of the European Union and Euratom.

CONTENT: under this proposal, the Council and the Commission are called upon to approve, on behalf of the European Union and the European Atomic Energy Community, the Partnership and Cooperation Agreement establishing a Partnership between the European Communities and their Member States, of the one part, and Turkmenistan, of the other part.

The texts are attached this draft Decision.

For further details as regards the main provisions of this Agreement and its trade implications, please refer to the summary of the Commissions initial legislative proposal dated 6 February 1998.

It should be noted that the proposal includes specific measures as regards the position to be taken by the Union within the Cooperation Council and the Cooperation Committee.