

# Procedure file

Basic information		
AVC - Assent procedure (historic)	<a href="#">1994/0221(AVC)</a>	Procedure completed
EC/Kazakhstan agreement: partnership and cooperation agreement		
Subject 6.40.04.06 Relations with central Asian countries		
Geographical area Kazakhstan		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>AFET</b> Foreign Affairs, Security and Defense Policy		28/07/1994
		ARE <a href="#">LALUMIÈRE Catherine</a>	
	Committee for opinion	Rapporteur for opinion	Appointed
	<b>ENER</b> Research, Technological Development and Energy		30/11/1994
		FE <a href="#">SCAPAGNINI Umberto</a>	
	<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	Council configuration	Meeting	Date
	Fisheries	<a href="#">2170</a>	12/05/1999
	<a href="#">General Affairs</a>	<a href="#">1825</a>	23/01/1995
	<a href="#">Environment</a>	<a href="#">1817</a>	16/12/1994
	<a href="#">General Affairs</a>	<a href="#">1778</a>	18/07/1994

Key events			
10/10/1994	Initial legislative proposal published	<a href="#">COM(1994)0411</a>	
08/05/1995	Modified legislative proposal published	<a href="#">COM(1995)0137</a>	Summary
24/07/1995	Legislative proposal published	<a href="#">07804/1995</a>	Summary
18/09/1995	Committee referral announced in Parliament		
27/02/1997	Vote in committee		Summary
27/02/1997	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A4-0069/1997</a>	
13/03/1997	Debate in Parliament		

13/03/1997	Decision by Parliament	T4-0129/1997	Summary
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

Procedure reference	1994/0221(AVC)
Procedure type	AVC - Assent procedure (historic)
Procedure subtype	International agreement
Legal basis	EC Treaty (after Amsterdam) EC 308; EC Treaty (after Amsterdam) EC 057-p2; EC Treaty (after Amsterdam) EC 300-p2-a2; EC Treaty (after Amsterdam) EC 044-p1; EC Treaty (after Amsterdam) EC 300-p3-a2; EC Treaty (after Amsterdam) EC 080-p2; Euratom Treaty A 101-; EC Treaty (after Amsterdam) EC 047-p2-a1; EC Treaty (after Amsterdam) EC 133; EC Treaty (after Amsterdam) EC 071
Stage reached in procedure	Procedure completed
Committee dossier	AFET/4/06944

### Documentation gateway

Document attached to the procedure	<a href="#">09365/1994</a>	03/10/1994	CSL	
Initial legislative proposal	COM(1994)0411 <a href="#">OJ C 319 16.11.1994, p. 0004</a>	10/10/1994	EC	
Modified legislative proposal	COM(1995)0137	08/05/1995	EC	Summary
Legislative proposal	<a href="#">07804/1995</a>	24/07/1995	CSL	Summary
Supplementary legislative basic document	<a href="#">N4-0360/1995</a>	24/08/1995	CSL	Summary
Committee report tabled for plenary, 1st reading/single reading	<a href="#">A4-0069/1997</a> <a href="#">OJ C 115 14.04.1997, p. 0004</a>	27/02/1997	EP	
Text adopted by Parliament, 1st reading/single reading	T4-0129/1997 <a href="#">OJ C 115 14.04.1997, p. 0124-0196</a>	13/03/1997	EP	Summary

### Final act

[Decision 1999/490](#)  
[OJ L 196 28.07.1999, p. 0001](#) Summary

## EC/Kazakhstan agreement: partnership and cooperation agreement

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 Kazakhstan (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. ?

## EC/Kazakhstan agreement: partnership and cooperation agreement

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In a letter dated 24 August 1995, the President of the Council confirmed to Parliament the legal basis for the draft decision, which until then had been provisional in nature. The legal basis in question is that contained in the assent. ?

## EC/Kazakhstan agreement: partnership and cooperation agreement

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The Committee has adopted the report by Catherine LALUMIERE (ERA, F) urging Parliament to give its approval under the assent procedure (requiring a majority of votes cast) to the above agreement, signed in 1995. In view of the EU's strategic interests in Kazakhstan its relations with Russia and large Turkish-speaking minority the agreement is seen as a key element in contributing to stability in the region.?

## EC/Kazakhstan agreement: partnership and cooperation agreement

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In adopting the recommendation by Mrs Catherine LALUMIERE (ARE, F) Parliament gave its assent to the conclusion of the partnership and cooperation agreement with the Republic of Kazakhstan. ?

## EC/Kazakhstan agreement: partnership and cooperation agreement

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PURPOSE : to conclude the Partnership and Cooperation Agreement between the European Communities and their Member States and the Republic of Kazakhstan. COMMUNITY MEASURE : Decision 1999/490/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 Republic of Kazakhstan, of the other part. CONTENT : the Decision aims to allow the conclusion of the Partnership and Cooperation Agreement between the Communities and Kazakhstan. 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 at the highest level. It includes measures relating to the trade of goods, employment conditions, the setting up and the activities of companies, 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 Agreement includes a conditional clause on human rights, allowing its suspension, even unilaterally, in the event of the 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 distinct protocol. This Agreement replaces the 1989 Agreement on trade and commercial and economic cooperation between the European Communities and the Union of Soviet Socialist Republics. ENTRY INTO FORCE : the Agreement enters into force when all the notification procedures have been accomplished by the parties.?