

Procedure file

Basic information		
AVC - Assent procedure (historic)	1994/0249(AVC)	Procedure completed
EC/Moldova Partnership and Cooperation Agreement See also 1995/0139(CNS) See also 1996/0088(AVC) See also 2004/0106(CNS) See also 2007/0003(CNS) See also 2010/0102(NLE) See also 2014/0083(NLE) Subject 6.40.04 Relations with the Commonwealth of Independent States (CIS) Geographical area Moldova		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	AFET Foreign Affairs, Security and Defense Policy		05/10/1994
		GUE ALAVANOS Alexandros	
	Committee for opinion	Rapporteur for opinion	Appointed
	ENER Research, Technological Development and Energy		
Council of the European Union	Council configuration	Meeting	Date
	Culture	2100	28/05/1998
	General Affairs	1778	18/07/1994

Key events			
02/11/1994	Initial legislative proposal published	COM(1994)0477	Summary
07/05/1995	Modified legislative proposal published	COM(1995)0137	Summary
23/07/1995	Legislative proposal published	07804/1995	Summary
18/09/1995	Committee referral announced in Parliament		
30/10/1995	Vote in committee		Summary
29/10/1995	Committee report tabled for plenary, 1st reading/single reading	A4-0273/1995	
29/11/1995	Debate in Parliament		
30/11/1995	Decision by Parliament	T4-0584/1995	Summary

28/05/1998	Act adopted by Council after consultation of Parliament		
28/05/1998	End of procedure in Parliament		
24/06/1998	Final act published in Official Journal		

Technical information

Procedure reference	1994/0249(AVC)
Procedure type	AVC - Assent procedure (historic)
Procedure subtype	International agreement
	See also 1995/0139(CNS) See also 1996/0088(AVC) See also 2004/0106(CNS) See also 2007/0003(CNS) See also 2010/0102(NLE) See also 2014/0083(NLE)
Legal basis	Euratom Treaty A 101-p2; ECSC Treaty C 095; EC before Amsterdam E 228-p2/3-a2; EC before Amsterdam E 238
Stage reached in procedure	Procedure completed
Committee dossier	AFET/4/06938

Documentation gateway

Initial legislative proposal		COM(1994)0477	03/11/1994	EC	Summary
Document attached to the procedure		10101/1994	04/11/1994	CSL	
Modified legislative proposal		COM(1995)0137	08/05/1995	EC	Summary
Legislative proposal		07804/1995	24/07/1995	CSL	Summary
Supplementary legislative basic document		N4-0362/1995	24/08/1995	CSL	Summary
Committee report tabled for plenary, 1st reading/single reading		A4-0273/1995 OJ C 323 04.12.1995, p. 0005	30/10/1995	EP	
Text adopted by Parliament, 1st reading/single reading		T4-0584/1995 OJ C 339 18.12.1995, p. 0039-0048	30/11/1995	EP	Summary

Additional information

European Commission	EUR-Lex
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Final act

Decision 1998/401 OJ L 181 24.06.1998, p. 0001 Summary

EC/Moldova Partnership and Cooperation Agreement

This proposal for a decision aimed to enable the conclusion of a partnership and cooperation agreement between the Community and its Member States and the Republic of Moldova. It was a mixed agreement covering areas of Community and national responsibility. It was concluded for an initial period of 10 years and included the following key elements: - establishment of political dialogue; - provisions

concerning trade in goods, conditions relating to employment, establishment and the activities of companies, the cross-border provision of services, payments and capital, competition, the protection of intellectual, industrial and commercial property, legislative cooperation, economic and financial cooperation and cultural cooperation; - a conditionality clause on human rights, permitting the suspension of the agreement, even on a unilateral basis, in cases of violation of its key elements, including respect for democratic principles and human rights and the principles of the market economy; - management of the agreement through a three-fold structure: a cooperation council, a cooperation committee and a parliamentary cooperation committee; - prospect of the future creation of a free trade area. In 1998, the Council would assess the situation to determine whether or not the negotiations on such an area could begin; - provisions concerning customs cooperation in a separate protocol. This agreement replaced the economic and trade cooperation agreement concluded between the Community and the USSR in 1989 with regard to the precise interests of the Republic of Moldova. ?

EC/Moldova 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 partnership agreement with Moldova (on 16 December 1994). ?

EC/Moldova Partnership and Cooperation Agreement

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 was sending the text of the agreement to Parliament in order that the latter might carry out 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) of the EC Treaty; - 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/Moldova Partnership and Cooperation Agreement

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-Moldova 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/Moldova Partnership and Cooperation Agreement

The committee recommends that Parliament give its assent to the conclusion of the partnership and cooperation agreement between the EU, of the one part, and Moldova, of the other part (rapporteur Mr Alexandros ALAVANOS - GUE/NGL, EL). Members were reminded that the vote was to be held in plenary and would be based on the majority of votes cast. The agreement, which was based on the European agreements signed with the CEECs, should serve to promote inter-State cooperation and encourage the development of the economy, but was not ultimately aimed at any future accession to the EU. The partnership agreements with the independent States of the former Soviet Union were to replace the agreements on trade and economic cooperation signed with the USSR in 1989. These place emphasis on respect for human rights and democratic principles and on the market economy and also include a democracy clause linking respect for these principles to the full implementation of the partnership agreement. The basic objective is to establish a political dialogue, in the widest sense, which will focus in particular on security and stability in Europe. Taking place against a background of political instability due to the collapse of the USSR, the partnership agreements seek to strengthen the independence which has been acquired and to support the sovereignty and territorial integrity of those concerned. ?

EC/Moldova Partnership and Cooperation Agreement

In adopting the report by Mr ALVANOS (GUE, ELF), Parliament gave its assent to the proposal for a decision to conclude a partnership and cooperation agreement between the European Communities and the Republic of Moldova. ?