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Proposal for a

COUNCIL AND COMMISSION DECISION

**establishing the position to be adopted in the EU – Tajikistan Cooperation Council on its
rules of procedure**

(2010/.../EU, Euratom)

EXPLANATORY MEMORANDUM

- (1) The Partnership and Cooperation Agreement (PCA) between the European Communities and their Member States, of the one part, and Tajikistan, of the other part, entered into force on 1 January 2010.
- (2) The first meeting of the EU-Tajikistan Cooperation Council under the PCA is scheduled to be held in September in the margins of the Foreign Affairs Council. The Cooperation Council needs to adopt, during this first meeting, its rules of procedure, which set out how the Cooperation Council will operate, including how meetings are prepared and organised. A Council and Commission decision is needed in order to establish the position to be adopted in the Cooperation Council during its first meeting on these rules of procedure.

Proposal for a

COUNCIL AND COMMISSION DECISION

establishing the position to be adopted in the EU – Tajikistan Cooperation Council on its rules of procedure

(2010/.../EU, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 50(2), Article 53(1) and Articles 62, 64(2), 79 (2), 91, 100(2), 113, 115, 207 and 211, in conjunction with Article 218 thereof,

Having regard to the proposal from the European Commission,

Having regard to Council and Commission Decision of 17 November 2009 on the conclusion of the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Tajikistan, of the other part,¹ and in particular Article 2 thereof,

Whereas:

- (1) Article 77 of the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Tajikistan, of the other part² establishes a Cooperation Council.
- (2) Article 78(2) of that Agreement provides that the Cooperation Council shall establish its own rules of procedure.
- (3) Article 79 of that Agreement provides that the Cooperation Council shall be assisted by a Cooperation Committee.
- (4) Article 79 of that Agreement provides that the Cooperation Council shall, in its rules of procedure, determine the duties of the Cooperation Committee and that the Cooperation Council may delegate any of its powers to the Cooperation Committee,

¹ OJ L 350, 29.12.2009, p.1.

² OJ L 350, 29.12.2009, p.3.

HAVE ADOPTED THIS DECISION:

Sole Article

The position to be adopted by the European Union and the European Atomic Energy Community, within the Cooperation Council established by Article 77 of the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Tajikistan, of the other part, in relation to the rules of procedure of the Cooperation Council and to the delegation of its powers to the Cooperation Committee referred to in Article 79 of the Partnership and Cooperation Agreement, shall be based on the draft Decision of the Cooperation Council, annexed to this Decision. Minor amendments to this draft Decision may be accepted without further decision by the Council and the Commission.

Done at Brussels,

For the Council

The President

For the Commission

Catherine ASHTON

Vice-President of the Commission

ANNEX I

DECISION No 1 OF THE EU-TAJIKISTAN COOPERATION COUNCIL

of

adopting its rules of procedure

THE COOPERATION COUNCIL,

Having regard to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Tajikistan, of the other part, (hereinafter referred to as "Agreement") and in particular Articles 77 to 80 thereof,

Whereas the Agreement entered into force on 1 January 2010,

HAS DECIDED AS FOLLOWS:

Article 1

Chairmanship

The Cooperation Council shall be presided over alternately for periods of 12 months by the President of the Foreign Affairs Council of the European Union, on behalf of the European Union and its Member States and the European Atomic Energy Community, and by a representative of the Government of Tajikistan. The first period shall begin on the date of the first Cooperation Council meeting and end on 31 December 2010.

Article 2

Meetings

The Cooperation Council shall meet at ministerial level once a year. Special sessions of the Cooperation Council may be held at the request of either Party, if the Parties so agree. Unless otherwise agreed by the Parties, each session of the Cooperation Council shall be held at the usual venue for meetings of the Council of the European Union at a date agreed by both Parties. Meetings of the Cooperation Council shall be jointly convened by the Secretaries of the Cooperation Council in agreement with the President.

Article 3

Representation

The members of the Cooperation Council may be represented if unable to attend. If a member wishes to be so represented, he must notify the President of the name of his representative before the meeting at which he is to be so represented. The representative of a member of the Cooperation Council shall exercise all the rights of that member.

Article 4

Delegations

The members of the Cooperation Council may be accompanied by officials. Before each meeting, the President shall be informed of the intended composition of the delegation of each Party. The Cooperation Council may invite non-members to attend its meetings in order to provide information on particular subjects.

Article 5

Secretariat

An official of the General Secretariat of the Council of the European Union and an official of the Mission of Tajikistan to the European Union shall act jointly as Secretaries of the Cooperation Council.

Article 6

Correspondence

Correspondence addressed to the Cooperation Council shall be sent to the President of the Cooperation Council at the address of the General Secretariat of the Council of the European Union.

The two Secretaries shall ensure that correspondence is forwarded to the President of the Cooperation Council and, where appropriate, circulated to other members of the Cooperation Council. Correspondence circulated shall be sent to the Secretariat-General of the Commission, the Permanent Representations of the Member States and the Mission of Tajikistan to the European Union.

Communications from the President of the Cooperation Council shall be sent to the addressees by the two Secretaries and circulated, where appropriate, to the other members of the Cooperation Council at the addresses indicated in the second paragraph.

Article 7

Publicity

Unless otherwise decided, the meetings of the Cooperation Council shall not be public.

Article 8

Agendas for meetings

1. The President shall draw up a provisional agenda for each meeting. It shall be forwarded by the Secretaries of the Cooperation Council to the addressees referred to in Article 6 not later than 15 days before the beginning of the meeting. The provisional agenda shall include the items in respect of which the President has

received a request for inclusion on the agenda not later than 21 days before the beginning of the meeting, although items shall not be written into the provisional agenda unless the supporting documentation has been forwarded to the Secretaries not later than the date of despatch of the agenda. The agenda shall be adopted by the Cooperation Council at the beginning of each meeting. An item other than those appearing on the provisional agenda may be placed on the agenda if the two Parties so agree.

2. The President may, in agreement with the two Parties, shorten the time limits specified in paragraph 1 in order to take account of the requirements of a particular case.

Article 9

Minutes

Draft minutes of each meeting shall be drawn up by the two Secretaries. The minutes shall, as a general rule, indicate in respect of each item on the agenda:

- the documentation submitted to the Cooperation Council,
- statements requested for entry by a member of the Cooperation Council,
- the decisions taken and recommendations made, the statements agreed upon and the conclusions adopted.

The draft minutes shall be submitted to the Cooperation Council for approval. When approved, the minutes shall be signed by the President and the two Secretaries. The minutes shall be filed in the archives of the General Secretariat of the Council of the European Union, which will act as depository of the documents of the Cooperation Council. A certified copy shall be forwarded to each of the addressees referred to in Article 6.

Article 10

Decisions and recommendations

1. The Cooperation Council shall take its decisions and make recommendations by common agreement of the Parties. The Cooperation Council may take decisions or make recommendations by written procedure if both Parties so agree.
2. The recommendations of the Cooperation Council, within the meaning of Article 77 of the Partnership and Cooperation Agreement, and its decisions, shall be entitled respectively "Recommendation" and "Decision" followed by a serial number, by the date of their adoption and by a description of their subject matter. The decisions and recommendations of the Cooperation Council shall be signed by the President and authenticated by the two Secretaries. Decisions and recommendations shall be forwarded to each of the addressees referred to in Article 6 above. Each Party may decide on the publication of decisions and recommendations of the Cooperation Council in its respective official publication.

Article 11

Languages

The official languages of the Cooperation Council shall be the official languages of the two Parties. Unless otherwise decided, the Cooperation Council shall base its deliberations on documentation drawn up in these languages.

Article 12

Expenses

The European Union and Tajikistan shall each defray the expenses they incur by reason of their participation in the meetings of the Cooperation Council, both with regard to staff, travel and subsistence expenditure and to postal and telecommunications expenditure. Expenditure in connection with interpreting at meetings, translation and reproduction of documents shall be borne by the European Union, with the exception of expenditure in connection with interpreting or translation into or from the official language of Tajikistan, which shall be borne by Tajikistan. Other expenditure relating to the organisation of meetings shall be borne by the Party hosting the meetings.

Article 13

Cooperation Committee

1. A Cooperation Committee is hereby established in order to assist the Cooperation Council in the performance of its duties. It shall be composed of representatives of the Council of the European Union and of representatives of the European Commission, on the one hand, and of representatives of the Government of Tajikistan, on the other, normally at senior civil servant level.
2. The Cooperation Committee shall prepare the meetings and the deliberations of the Cooperation Council, implement the decisions of the Cooperation Council where appropriate and, in general, ensure continuity of the partnership and the proper functioning of the Agreement. It shall consider any matter referred to it by the Cooperation Council as well as any other matter which may arise in the course of the day-to-day implementation of the Agreement. It shall submit proposals or any draft decisions/recommendations for adoption to the Cooperation Council.
3. In cases where the Partnership and Cooperation Agreement refers to an obligation to consult or a possibility of consultation, such consultation may take place within the Cooperation Committee. The consultation may continue in the Cooperation Council if the two Parties so agree.

4. The rules of procedure of the Cooperation Committee are annexed to this Decision.

Done at

*For the Cooperation Council
The Chairman*

ANNEX

Rules of Procedure of the Cooperation Committee

Article 1

Chairmanship

The Cooperation Committee shall be presided over alternately for periods of 12 months by a representative of the European Commission, on behalf of the European Union and its Member States and the European Atomic Energy Community, and by a representative of the Government of Tajikistan. The first period shall begin on the date of the first Cooperation Council meeting and end on 31 December 2010.

Article 2

Meetings

The Cooperation Committee shall meet when circumstances require, with the agreement of both Parties. Each meeting of the Cooperation Committee shall be held at a time and place agreed by both Parties. Meetings of the Cooperation Committee shall be convened by the Chairman.

Article 3

Delegations

Before each meeting, the Chairman shall be informed of the intended composition of the delegation of each Party.

Article 4

Secretariat

An official of the European Commission and an official of the Tajik Government shall act jointly as Secretaries of the Cooperation Committee. All communications to and from the Chairman of the Cooperation Committee provided for in this Decision shall be forwarded to the Secretaries of the Cooperation Committee and to the Secretaries and the President of the Cooperation Council.

Article 5

Publicity

Unless otherwise decided, the meetings of the Cooperation Committee shall not be public.

Article 6

Agendas for meetings

1. The Chairman shall draw up a provisional agenda for each meeting. It shall be forwarded by the Secretaries of the Cooperation Committee to the addressees referred to in Article 4 not later than 15 days before the beginning of the meeting. The provisional agenda shall include the items in respect of which the Chairman has received a request for inclusion on the agenda not later than 21 days before the beginning of the meeting, although items shall not be written into the provisional agenda unless the supporting documentation has been forwarded to the Secretaries not later than the date of dispatch of the agenda. The Cooperation Committee may ask experts to attend its meetings in order to provide information on particular subjects. The agenda shall be adopted by the Cooperation Committee at the beginning of each meeting. An item other than those appearing on the provisional agenda may be placed on the agenda if the two Parties so agree.
2. The Chairman may, in agreement with the two Parties, shorten the time limits specified in paragraph 1 in order to take account of the requirements of a particular case.

Article 7

Minutes

Minutes shall be taken for each meeting and shall be based on a summing up by the Chairman of the conclusions arrived at by the Cooperation Committee. When approved by the Cooperation Committee, the minutes shall be signed by the Chairman and by the Secretaries and filed by each of the Parties. A copy of the minutes shall be forwarded to each of the addressees referred to in Article 4.

Article 8

Decisions and recommendations

In the specific cases where the Cooperation Committee is empowered by the Cooperation Council under Article 79 of the Partnership and Cooperation Agreement to take decisions/make recommendations, these acts shall be entitled respectively "Decision" and "Recommendation", followed by a serial number, the date of their adoption and a description of their subject matter. Decisions and recommendations shall be made by common agreement between the Parties. The Cooperation Committee may take decisions or make recommendations by written procedure if both Parties so agree. The decisions and recommendations of the Cooperation Committee shall be signed by the President and authenticated by the two Secretaries and shall be forwarded to the addressees referred to in Article 4 of these rules of procedure. Each Party may decide on the publication of the decisions and recommendations of this Cooperation Committee in its respective official publication.

Article 9

Expenses

The European Union and Tajikistan shall each defray the expenses they incur by reason of their participation in the meetings of the Cooperation Committee, both with regard to staff, travel and subsistence expenditure and to postal and telecommunications expenditure. Expenditure in connection with interpreting at meetings, translation and reproduction of documents shall be borne by the European Union, with the exception of expenditure in connection with interpreting or translation into or from the official language of Tajikistan, which shall be borne by Tajikistan. Other expenditure relating to the organisation of meetings shall be borne by the Party hosting the meetings.

Article 10

Subcommittees and special groups

The Cooperation Committee may create subcommittees or special groups to work under the authority of the Cooperation Committee, to which they shall report after each of their meetings. The Cooperation Committee may decide to abolish any existing subcommittees or groups, lay down or modify their terms of reference or set up further subcommittees or groups to assist it in carrying out its duties. These subcommittees and groups shall not have any decision-making powers.