



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 11.02.1998
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Proposal for a
COUNCIL DECISION
ON THE COMMUNITY POSITION
IN RELATION TO
THE RULES OF PROCEDURE OF THE CO-OPERATION COUNCIL
AND THE CO-OPERATION COMMITTEE
ESTABLISHED BY THE PARTNERSHIP AND CO-OPERATION AGREEMENT
BETWEEN THE EUROPEAN COMMUNITIES AND THEIR MEMBER STATES
AND UKRAINE

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. The Partnership and Co-operation Agreement establishing a Partnership between the European Communities and their Member states, of the one part, and Ukraine, of the other part (PCA), foresees the establishment of a Co-operation Council composed of members of the Council of the European Union and members of the European Commission, on the one hand, and of members of the Government of Ukraine, on the other. Its role consists in monitoring the implementation of the Agreement and in examining any major issues arising within the framework of the Agreement and any other bilateral or international issues of mutual interest for the purpose of attaining the objectives of the Agreement.
2. According to the terms of the Partnership and Co-operation Agreement and in particular Articles 85 - 89 thereof, the Co-operation Council shall establish its own rules of procedure as well as the rules of procedure of the Co-operation Committee, the role of which consists in preparing all Co-operation Council meetings and generally assisting the Co-operation Council in the performance of its duties.
3. Article 2.1 of the joint decision by the Council and the Commission of _____ 1998¹ on the conclusion of the Partnership and Cooperation Agreement provides that the position to be adopted by the Community in the Cooperation Council shall be determined by the Council, on a proposal from the Commission (or, where appropriate, by the Commission). In accordance with this provision, the annexed draft rules of procedure are proposed for adoption as Community position, by means of a decision by the Council.
4. The Cooperation Council and Cooperation Committee as institutions are modeled on the Association Councils and Association Committees established under the various Europe Agreements with the CEECs, with (virtually) identical Rules of Procedure. - The relevant institutional provisions contained in the Ukraine Agreement (and in Partnership and Cooperation Agreements with other NIS), which constitute the "legal base" for the Rules of Procedure, do not differ significantly from those in the Europe Agreements (except for the aspect referred to in paragraph 7, below). The rules of procedure established under the EAs are therefore the obvious point of departure for drafting the rules of procedure for the Ukraine Cooperation Council and CCt.
5. The proposed annexed draft rules of procedure follow closely the draft proposed for Russia. The exact character which the meetings of the Cooperation Council and Cooperation Committee will take is as yet unknown. However the Ukrainian authorities are likely to establish a close comparison with the rules and practice that will be established with Russia in this respect and refer to them in further requests.
6. The rules of procedure should be kept as light and flexible as possible, allowing them to accommodate a variety of different models of the institutions in question. The Rules of Procedure established under the Europe Agreements are a suitable model for the Ukraine rules of procedure. They constitute indeed a sufficiently flexible framework, limiting themselves to defining the main lines of the institutions' operations, not going into excessive detail.

¹ COM XX, which is not yet formally adopted

7. One notable difference between the institutional provisions of the Europe Agreements and that of the PCAs is that Cooperation Councils can make only (non-binding) recommendations (Art. 85 of the PCA), whereas Association Councils can take decisions. Appropriate minor adjustments must therefore be made to the model Rules of Procedure to reflect this aspect.
8. The practice under the Europe Agreements is that all meetings of the Association Councils take place in the EU. While this corresponds to EU practice in mixed agreement contexts, it is not in line with standard diplomatic usage. Though there has been no request from the Ukrainian authorities for alternating venues, Ukraine is likely to request a treatment equivalent to that of Russia. Therefore the formula proposed for Russia, that the venue will be in the EU, *unless the Parties agree otherwise*, could be used here. The annexed draft Rules of Procedure allow holding Cooperation Council meetings alternately in the EU and in Kiev, if necessary.
9. The annexed draft rules of procedure are proposed for adoption as Community position, according to Article 2.1 of the joint decision by the Council and the Commission of _____ 1998² on the conclusion of the PCA between the European Communities and their Member States and Ukraine, by means of a decision of the Council.
10. The Council is therefore requested to adopt the annexed Commission proposal on a Community position in relation to the rules of procedure of the Co-operation Council and the Co-operation Committee with Ukraine.

² COM xx, which is not yet formally adopted

PROPOSAL FOR A COUNCIL DECISION
ON THE COMMUNITY POSITION
IN RELATION TO
THE RULES OF PROCEDURE OF THE CO-OPERATION COUNCIL
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AND UKRAINE

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, the Treaty establishing the European Coal and Steel Community and the Treaty establishing the European Community of Atomic Energy (Euratom),

Having regard to Article 2.1 of the Council and Commission Decision of _____ 1998 on the conclusion of the Partnership and Co-operation Agreement between the European Communities and their Member states, of the one part, and Ukraine, of the other part,

Having regard to the Commission proposal,

Whereas Article 85 of the Partnership and Co-operation Agreement establishes a Co-operation Council,

Whereas Article 87 of the Partnership and Co-operation Agreement provides that the Co-operation Council shall be assisted by a Co-operation Committee and Article 86 of the Partnership and Co-operation Agreement further provides that the Co-operation Council shall adopt its own rules of procedure,

Whereas Article 87 of the said Agreement further provides that the Co-operation Council shall, in its rules of procedure, determine the manner of functioning of the Co-operation Committee and that the Co-operation Council may delegate any of its powers to the Co-operation Committee,

Whereas Article 88 of the said Agreement further provides that the Co-operation Council may decide to set up any other special committee or body that can assist it in carrying out its duties.

HEREBY DECIDES AS FOLLOWS:

The position to be adopted by the Community within the Co-operation Council established by virtue of Article 85 of the Partnership and Co-operation Agreement between the European Communities and their Member states, of the one part, and Ukraine, of the other part, in relation to the rules of procedure of the said Co-operation Council, as well as of the Co-operation Committee referred to in Article 87 of the Partnership and Co-operation Agreement shall be based on the draft rules of procedure annexed to the present decision. Minor modifications of the said draft rules of procedure may be accepted without further decision by the Council.

Done at Brussels,

D R A F T
RULES OF PROCEDURE
OF THE
COOPERATION COUNCIL
BETWEEN .
THE EUROPEAN COMMUNITIES AND THEIR MEMBER STATES OF THE ONE
PART AND
UKRAINE ON THE OTHER PART

THE COOPERATION COUNCIL

having regard to the Agreement on Partnership and Cooperation between the European Communities and their Member states, on the one part, and Ukraine, on the other part, and in particular Articles 85 to 87 thereof,

Whereas that Agreement entered into force on _____.

HAS ESTABLISHED THE FOLLOWING RULES OF PROCEDURE:

Article 1

Presidency

The Cooperation Council shall be presided over alternately for periods of twelve months by a representative of the Council of the European Union, on behalf of the Communities and their Member States, and a representative of the Government of Ukraine. However, the first period shall begin on the date of the first Cooperation Council and end on 31 December of the same year.

Article 2

Meetings

The Cooperation Council shall meet regularly 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.

The meetings of the Cooperation Council are jointly convened by the Secretaries of the Cooperation Council.

Article 3

Representation

The members of the Cooperation Council may be represented if prevented from attending.

Each member may normally be represented by the Head of the Mission or Permanent Representation to the European Union or a senior official having an equivalent status.

In all other cases, a member wishing to be represented shall notify the President of the name of its 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 and of the head 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 Ukraine in Brussels shall act jointly as Secretaries of the Cooperation Council.

Article 6

Documents

When the deliberations of the Cooperation Council are based on written supporting documents, such documents shall be numbered and circulated as documents of the Cooperation Council by the two Secretaries.

Article 7

Correspondence

Correspondence addressed to the Cooperation Council or to the President of the Cooperation Council shall be forwarded to both Secretaries of the Cooperation Council.

The two Secretaries shall ensure that correspondence is forwarded to the President of the Cooperation Council and, where appropriate, circulated as documents referred to in Article 6 to other members of the Cooperation Council. Correspondence circulated shall be sent to the General Secretariat of the Commission, the Permanent Representations of

Member states of the European Union, the Mission of Ukraine in Brussels and the Delegation of the European Commission in Kiev.

Communications from the President of the Cooperation Council shall be sent to the recipients by the respective Secretary and, where appropriate, circulated as documents referred to in Article 6 to the other members of the Cooperation Council at the addresses indicated in the preceding paragraph.

Article 8

Agenda for the meetings

1. A provisional agenda for each meeting shall be drawn up by the Secretaries of the Cooperation Council, in agreement with the two Parties. It shall be forwarded to the addressees referred to in article 7 not later than fifteen days before the beginning of the meeting.

The provisional agenda shall include the items in respect of which a request for inclusion in the agenda has been received by either of the two Parties not later than twenty-one days before the beginning of the meeting, save that 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 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. In agreement with the Parties, the time limits specified in paragraph 1 may be shortened, in order to take account of the requirements of a particular case.

Article 9

Minutes

Draft minutes of each meeting shall be drawn up jointly 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 the entry of which has been requested by a member of the Cooperation Council;
- the recommendations adopted, the statements agreed upon and conclusions adopted on specific items.

The minutes shall also include a list of members of the Cooperation Council or their representatives who participated in the meeting.

The draft minutes shall be submitted to the Cooperation Council for approval at its next meeting. When approved, two authentic copies of the minutes shall be signed by the two Secretaries and filed by the Parties. A copy of the minutes shall be forwarded to each of the addressees referred to in Article 7 above.

Article 10

Recommendations

1. The Cooperation Council shall make its recommendations by common agreement between the Parties.

During the inter-sessional period, the Cooperation Council may make recommendations by written procedure if the Parties so agree. A written procedure consists of an exchange of notes between the two Secretaries, acting in agreement with the Parties.

2. The recommendations of the Cooperation Council within the meaning of Article 85 of the Partnership and Cooperation Agreement shall be entitled "recommendation", followed by a serial number, by the date of their adoption and by a description of their subject.

The recommendations of the Cooperation Council shall be authenticated by the two Secretaries and two authentic copies signed by the Heads of delegation of the two Parties.

Recommendations shall be forwarded to each of the addressees referred to in Article 7 above as documents of the Cooperation Council.

Article 11

Publicity

1. Unless otherwise decided, the meetings of the Cooperation Council shall not be public.
2. Each Party may decide on the publication of the recommendations of the Cooperation Council in its respective official publication.

Article 12

Languages

The official languages of the Cooperation Council shall be the official languages of the Parties.

The Cooperation Council shall normally base its deliberations on documentation prepared in these languages.

Article 13

Expenses

The European Communities and Ukraine 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 Communities, with the exception of expenditure in connection with interpretation or translation into or from Ukrainian, which shall be borne by Ukraine.

Other expenditure relating to the material organization of meetings shall be borne by the Party which hosts the meetings.

Article 14

Cooperation Committee

1. A Cooperation Committee is hereby established in accordance with article 87 of the Partnership and Cooperation Agreement, in order to assist the Cooperation Council in carrying out its duties. It shall be composed of representatives of the Commission of the European Communities and of the members of the Council of the European Union, on the one hand, and of representatives of the Government of Ukraine on the other, normally at senior civil servant level.
2. The Cooperation Committee shall prepare the meetings and the deliberations of the Cooperation Council, monitor the implementation of the recommendations of the Cooperation Council where appropriate and, in general, ensure continuity of the partnership relationship and the proper functioning of the Partnership and Cooperation 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 Partnership and Cooperation Agreement. It shall submit proposals of any draft recommendations for adoption to the Cooperation Council.
3. Consultations foreseen in Articles 18 and 49, as well as Annex 2 of the Partnership and Cooperation Agreement shall take place within the Cooperation Committee. The consultation may continue in the Cooperation Council if the Parties agree.
4. The rules of procedure of the Cooperation Committee are attached as Annex to the present Rules of Procedure.

Done at

For the Co-operation Council

Head of the EU Delegation

Head of the Ukraine Delegation

RULES OF PROCEDURE OF THE COOPERATION COMMITTEE

Article 1

Presidency

The Cooperation Committee shall be presided over alternatively for periods of twelve months by a representative of the Commission of the European Communities, on behalf of the Communities and their Member States, and a representative of the Government of Ukraine. The first period shall begin on the date of the first Cooperation Council meeting and end on 31 December of the same year.

Article 2

Meetings

The Cooperation Committee shall meet once a year and when circumstances require, with the agreement of the Parties.

Each meeting of the Cooperation Committee shall be held at a time and place agreed by the Parties.

The meetings of the Cooperation Committee are convened by the President.

Article 3

Delegations

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

Article 4

Secretariat

An official of the Commission of the European Communities and an official of the Government of Ukraine shall act jointly as Secretaries of the Cooperation Committee.

All communications to and from the President of the Cooperation Committee provided for in this Annex shall be forwarded to the Secretaries of the Cooperation Committee and to the Secretaries and President of the Cooperation Council.

Article 5

Publicity

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

Article 6

Agenda for the Meetings

1. A provisional agenda for each meeting shall be drawn up by the Secretaries of the Cooperation Committee. It shall be forwarded to the addressees referred to in Article 4 not later than fifteen 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 in the agenda not later than twenty-one days before the beginning of the meeting, save that 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 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 Parties so agree.

2. In agreement with the Parties, the time limits specified in paragraph 1 may be shortened, in order to take account of the requirements of a particular case.
3. The Cooperation Committee may ask experts to attend its meetings in order to provide information on particular subjects.

Article 7

Minutes

Minutes shall be taken for each meeting and shall be based on a summing up by the President of the conclusions arrived at by the Cooperation Committee.

Upon adoption by the Cooperation Committee, the minutes shall be signed by the President 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 of the present Annex.

Article 8

Deliberations

The Cooperation Committee shall not make recommendations except in the specific cases where it is empowered by the Cooperation Council under Article 87.2 In such cases these acts shall be entitled "recommendation", followed by a serial number, by the date of their adoption and by description of their subject. Recommendations shall be made by common agreement between the parties.

Recommendations of the Cooperation Committee shall be forwarded to the addressees referred to in Article 4 of the present Annex. The Cooperation Committee may decide on the publication of such recommendations.

The recommendations of the Cooperation Committee shall be signed by the President and the Secretaries.

Article 9

Expenses

The European Communities and Ukraine shall each defray the expenses they incur by reason of their participation in the meetings of the Cooperation Committee and of its special committees and bodies, 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 Communities, with the exception of expenditure in connection with interpretation or translation into or from Ukrainian, which shall be borne by Ukraine.

Other expenditure relating to the material organization of meetings shall be borne by the Party which hosts the meetings.

Article 10

Sub- committees and working groups

The Cooperation Committee may determine a list of sub-committees and working groups. They shall be considered to work under the authority of the Cooperation Committee, to which they shall report after each meeting.

The Cooperation Committee may modify the terms of reference of any sub-committees and working groups, or set up further sub-committees or working groups to assist it in carrying out its duties.

FINANCIAL STATEMENT

1 TITLE OF OPERATION

Rules of Procedure of the Co-operation Council and the Co-operation Committee established by the Partnership and Co-operation Agreement between the European Communities and their Member States and Ukraine (PCA) : Establishment and operation of a EU-Ukraine Cooperation Council, a Cooperation Committee, and of special (sub-)committees and other bodies as required.

2 BUDGET HEADING INVOLVED

A-130 : Mission expenses
A- 2510 : Meetings of committees

3 LEGAL BASIS

Joint decision by the Council and the Commission on the conclusion of the Partnership and Cooperation Agreement between the European Communities and their Member States and Ukraine (to be adopted).

4 DESCRIPTION OF OPERATION

4.1 General objective

Implementation of the institutional provisions of the PCA.

4.2 Period covered and arrangements for renewal

10 years (= duration of the PCA, Art. 101, with possibility of extension).

5 CLASSIFICATION OF EXPENDITURE OR REVENUE

5.1 Compulsory/Non-compulsory expenditure

Non-compulsory expenditure.

5.2 Differentiated/Non-differentiated appropriations

Non-differentiated appropriations.

5.3 Type of revenue involved

No revenues.

6 TYPE OF EXPENDITURE OR REVENUE

100% subsidy (missions by officials, organization of conferences, interpretation, translation, reproduction of documents)

7 FINANCIAL IMPACT

7.1 Method of calculating total cost of operation (relation between individual and total costs)

See section 10. No operational expenditure involved.

7.2 Itemized breakdown of cost

Commitment appropriations ECU million
(at current prices)

Breakdown	year n	n + 1	n + 2	n + 3	n + 4	n + 5 and subs. yrs	Total
Total							

7.3 Operational expenditure for studies, experts etc. included in Part B of the budget

Commitment appropriations ECU million (at current prices)

	year n	n + 1	n + 2	n + 3	n + 4	n + 5 and subs. yrs	Total
- Studies - Meetings of experts - Conferences and congresses - Information and publications							
Total							

7.4 Schedule of commitment and payment appropriations

	ECU million						
	year n	n + 1	n + 2	n + 3	n + 4	n + 5 and subs. yrs	Total
Commitment appropriations							
Payment appropriations							
year n							
n + 1							
n + 2							
n + 3							
n + 4							
n + 5 and subs. yrs							
Total							

8 FRAUD PREVENTION MEASURES

Checks by the responsible officials.

9 ELEMENTS OF COST-EFFECTIVENESS ANALYSIS

9.1 Specific and quantified objectives; target population

The institutionalized dialogue between the EU and Ukraine will be an essential prerequisite for achieving the aims of the PCA, namely the promotion of trade and investment flows, the support to political and economic reforms in Ukraine and close cooperation across a wide number of policy fields.

Targeted are economic operators and the general public in Ukraine and the EU.

9.2 Grounds for the operation

Coordinated approach by the European Communities and their Member states to cooperation with Ukraine, avoiding duplication of efforts and establishing the EU as one of the main interlocutors of Ukraine. Approach is similar to that of Partnership and Co-operation Agreements with other NIS, as well as of Europe Agreements with the CEECs.

9.3 Monitoring and evaluation of the operation

Regular stock-taking of the results and effectiveness of the dialogue by Commission and Council.

10 ADMINISTRATIVE EXPENDITURE (SECTION III, PART A OF THE BUDGET)

Actual mobilization of the necessary administrative resources will depend on the Commission's annual decision on the allocation of resources, taking into account the number of staff and additional amounts authorized by the budgetary authority.

10.1 Effect on the number of posts

Type of post		Staff to be assigned to managing the operation		Source		Duration
		<u>Permanent posts</u>	<u>Temporary posts</u>	Existing resources in the DG or department concerned	Additional resources	
Officials or temporary staff	A	2	0	2	0	
	B	0	0	0		
	C	0.5	0	0.5		
Other resources		0	0	0	0	
Total		2.5	0	2.5	0	

10.2 Overall financial impact of additional human resources

			ECU
		Amounts	Method of calculation
Officials		0	No additional human resources required.
Temporary staff		0	
Other resources	(indicate budget heading)	0	
Total		0	

10.3 Increase in other administrative expenditure as a result of the operation
ECU

Budget heading	Amounts	Method of calculation
A-130	p.m.	<p>Cooperation Council N.B. All meetings to be held in Brussels once a year. Council side is in the lead for organizing these meetings, so Commission will only participate with its officials, but not bear any costs (conference organization, interpretation...)</p>
	30.000	<p>Cooperation Committee N.B. Meetings (usually 1 x/yr) alternate between Brussels and Kiev.</p> <p><u>Kiev meetings (once every 2 years)</u></p> <ul style="list-style-type: none"> • 4-day mission for 15 Commission officials from various DGs.
	20.000 12.000	<p>Sub-committees and other bodies N.B. Estimated: 6 meetings per year; half in Kiev, half in Brussels.</p> <p><u>Kiev meetings (3 per year)</u></p> <ul style="list-style-type: none"> • One 4-day mission per year for 10 officials (Trade Facts Working Group). • Two 4-day missions for 3 officials (other sub-committees).
A-2510	p.m.	<p>Travel costs for Council representatives participating in meetings of the Cooperation Committee and of sub-committees and other groups are paid by the Council Secretariat general.</p>
A-130	62.000 32.000	<p>TOTAL = for years where Cooperation Committee is in Kiev = for years where Cooperation Committee is in Brussels</p>
A-2510	p.m.	

N.B. The necessary resources for missions by Commission officials will be obtained through redeployment of existing resources.

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DOCUMENTS

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