Council of the European Union

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**LEGISLATIVE ACTS AND OTHER INSTRUMENTS**

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| Subject: | COUNCIL DECISION on the signing, on behalf of the Union, and provisional application of the Enhanced Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Kyrgyz Republic, of the other part |

**COUNCIL DECISION (EU) …/…**

**of …**

**on the signing, on behalf of the Union,**
**and provisional application of the Enhanced Partnership**
**and Cooperation Agreement between the European Union**
**and its Member States, of the one part,**
**and the Kyrgyz Republic, of the other part**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 207 and 209, in conjunction with Article 218(5) and Article 218(8), first subparagraph, thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) On 21 September 2017, the Council authorised the opening of negotiations with the Kyrgyz Republic for an enhanced partnership and cooperation agreement.

(2) Building upon the desire of the Parties to strengthen and widen relations in an ambitious and innovative way, the negotiations for the Enhanced Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Kyrgyz Republic, of the other part ('the Agreement') were successfully concluded with the initialling of the Agreement on 6 July 2019.

(3) The Agreement should be signed on behalf of the Union, subject to its conclusion at a later date.

(4) The Agreement should be applied on a provisional basis, pending the completion of the procedures necessary for its entry into force.

(5) The signing of the Agreement on behalf of the Union and the provisional application of parts of the Agreement between the Union and the Kyrgyz Republic are without prejudice to the allocation of competences between the Union and its Member States in accordance with the Treaty on European Union and the Treaty on the Functioning of the European Union.

(6) It is recalled that the principles of sovereignty and territorial integrity of all States, including respect for United Nations Security Council (UNSC) Resolutions 541 (1983) and 550 (1984), constitute international obligations arising from, in particular, membership of the United Nations (UN),

HAS ADOPTED THIS DECISION:

*Article 1*

The signing on behalf of the Union of the Enhanced Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Kyrgyz Republic, of the other part[1+], is hereby authorised, subject to the conclusion of the said Agreement.

*Article 2*

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the Union.

*Article 3*

Pending the completion of the procedures necessary for its entry into force, in accordance with Article 318 of the Agreement and subject to the notifications provided for therein, the following parts of the Agreement shall be applied provisionally between the Union and the Kyrgyz Republic, but only to the extent that they cover matters falling within the Union's competence, including matters falling within the Union's competence to define and implement a common foreign and security policy:

(a) Title I;

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1 The text of the Agreement is published in OJ L …., ELI: …

\+ Delegations/OJ: see document ST 10660/22.

(b) Title II: Articles 3, 4, 6 and 9;

(c) Title III: Article 14(1) and Article 15(2);

(d) Title IV, with the exception of Articles 26, 81, 82, 84 and 89 to the extent that those Articles concern criminal enforcement of intellectual property rights;

(e) Title V: Articles 254 to 257, Article 258 (with the exception of point (d)), Article 259, Article 260 (with the exception of paragraph 1, points (a), (c), and (f)) and Articles 261, 277 and 278;

(f) Title VI: Articles 304 to 309;

(g) Title VII, with the exception of Article 319(1) and (2), to the extent that the provisions of the Title are limited to the purpose of ensuring the provisional application of the Agreement;

(h) Annexes;

(i) Protocol on Mutual Administrative Assistance in Customs Matters.

*Article 4*

Where a Member State or the High Representative of the Union for Foreign Affairs and Security Policy ('the High Representative') considers that an international obligation arising from, in particular, UN membership, including respect for UNSC Resolutions 541 (1983) and 550 (1984), is not fulfilled, that Member State, or the High Representative, shall raise the issue within the Council, with a view to determining whether to hold consultations under the auspices of the Cooperation Council pursuant to Article 316(4) of the Agreement.

*Article 5*

This Decision shall enter into force on the date of its adoption.

Done at …, …

*For the Council*
*The President*