



Brussels, 26.2.2014
COM(2014) 100 final

Recommendation for a

COUNCIL DECISION

approving the conclusion, by the European Commission, on behalf of the European Atomic Energy Community, of the Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Russian Federation, of the other part, to take account of the accession of the Republic of Croatia to the European Union

EXPLANATORY MEMORANDUM

The attached proposal constitutes the legal instrument for the Recommendation for a Council Decision approving the conclusion of the Protocol, by the European Commission, on behalf of the European Atomic Energy Community, to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Russian Federation of the other part, to take account of the accession of the Republic of Croatia to the European Union:

- (i) Recommendation for a Council Decision approving the conclusion of the Protocol, by the European Commission, on behalf of the European Atomic Energy Community.

This proposal is presented jointly with a:

- (ii) Proposal for a Council Decision on the signature and provisional application of the Protocol on behalf of the European Union and its Member States;
- (iii) Proposal for a Council Decision on the conclusion of the Protocol on behalf of the European Union and its Member States;

According to the Act of Accession of the Republic of Croatia, the Republic of Croatia is to accede to international agreements signed or concluded by the European Union and its Member States by means of a protocol to those agreements.

The Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Russian Federation, of the other part was signed on 24 June 1994. The Agreement entered into force on 1 December 1997.

A Council Decision of 14 September 2012¹ authorised the Commission to open negotiations with the third countries concerned, in order to conclude the relevant protocols. The negotiations with the Russian Federation were successfully concluded. The Russian Federation agreed to the Protocol text in its Note Verbale of 4 September, the EEAS in its Note Verbale of 24 September. This exchange of Notes Verbales, requested by the Russian Federation, replaced the initialling of the Protocol.

The proposed Protocol incorporates the Republic of Croatia as contracting party to the Agreement and commits the EU to provide for the authentic version of the Agreement in the new official language of the EU.

The Protocol contains a clause specifying that the Agreement is amended following the entry into force of the Treaty of Accession of the Republic of Croatia to the European Union on 1 July 2013.

The Partnership and Cooperation Agreement with the Russian Federation in particular aims to promote trade and investment, including trade in transport services, and establishes a framework for cooperation in different sectors which is limited to an overall economic, financial and technical cooperation. Therefore, next to the applicable procedural legal bases, the Protocol should be signed and concluded by the European Union on the basis of Article 6(2) of the Act of Accession of the Republic of Croatia on the one hand and of Articles 91, 100(2), 207 and 212 TFEU of the other hand.

¹ Council decision authorising the opening of negotiations for the adaptation of agreements signed or concluded between the European Union, or the European Union and its Member States, with one or more third countries or international organisations, in view of the accession of the Republic of Croatia to the European Union (Council doc. 13351/12 LIMITED).

The Commission has judged the results of the negotiations to be satisfactory and requests the Council:

- to recommend a Council Decision approving the conclusion, by the European Commission, on behalf of the European Atomic Energy Community, of the Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Russian Federation, of the other part, to take account of the accession of the Republic of Croatia to the European Union.

The European Parliament will be called upon to give its consent to this Protocol.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular the second paragraph of Article 101 thereof,

Having regard to the recommendation from the European Commission,

Whereas:

- (1) Under the terms of Article 6(2) of the Act of Accession of the Republic of Croatia, the accession of the Republic of Croatia to the Partnership and Cooperation Agreement, establishing a partnership between the European Communities and their Member States, of the one part, and the Russian Federation, of the other part² ('the Agreement') is to be agreed by means of a Protocol to the Agreement ('the Protocol').
- (2) On 14 September 2012, the Council authorised the Commission to open negotiations with the third countries concerned³. The negotiations were successfully concluded with the Russian Federation. This was confirmed in an exchange of letters on 24 September 2013.
- (3) The conclusion, by the Commission, of the Protocol should be approved as regards matters falling within the competence of the European Atomic Energy Community.
- (4) The signature and conclusion of the Protocol are subject to a separate procedure as regards matters falling within the competence of the Union and its Member States,

HAS ADOPTED THIS DECISION:

Sole Article

The conclusion by the European Commission, on behalf of the European Atomic Energy Community, of the Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Russian Federation, of the other part, to take account of the accession of the Republic of Croatia to the European Union, is hereby approved.

² OJ L 327, 28.11.1997, p. 3.

³ Council decision authorising the opening of negotiations for the adaptation of agreements signed or concluded between the European Union, or the European Union and its Member States, with one or more third countries or international organisations, in view of the accession of the Republic of Croatia to the European Union (Council doc. 13351/12 LIMITED).

The text of the Protocol is attached to the Decision on its signature.

Done at Brussels,

*For the Council
The President*