



Brussels, 14.2.2014  
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2014/0038 (NLE)

Proposal for a

## **COUNCIL DECISION**

**on the signing, on behalf of the European Union and its Member States, and provisional application of the Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Serbia, of the other part, to take account of the accession of the Republic of Croatia to the European Union**

## **EXPLANATORY MEMORANDUM**

On 24 September 2012 the Council authorised the Commission to open negotiations, on behalf of the European Union and its Member States and the Republic of Croatia, with Serbia in order to conclude a Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Serbia, of the other part, to take account of the accession of the Republic of Croatia to the European Union.

Two rounds of negotiations took place on 28 January 2013 and on 13 March 2013 and were followed by further technical clarifications and correspondence. The Protocol was initialled by the Commission and the Government of Serbia on 10 December 2013. The text of the draft Protocol is attached.

The Commission proposes that the Council decides on the signature and provisional application of the Protocol on behalf of the European Union and concludes the Protocol on behalf of the European Union and its Member States. For the conclusion of the Protocol on behalf of the European Atomic Energy Community (EAEC), the Commission proposes that the Council gives its approval, pursuant to the second paragraph of Article 101 of the Treaty establishing the EAEC.

The attached proposal is for a Council decision on the signature and provisional application of the protocol. The Commission proposes that the Council:

- decides on the signature and provisional application of the Protocol on behalf of the European Union.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 217 in conjunction with Article 218(5) and the second subparagraph of Article 218(8) thereof,

Having regard to the Act concerning the conditions of accession of the Republic of Croatia, and in particular Article 6(2) thereof,

Having regard to the proposal from the European Commission<sup>1</sup>,

Whereas:

- (1) On 24 September 2012 the Council authorised the Commission to open negotiations, on behalf of the Union and its Member States and the Republic of Croatia, with the Republic of Serbia in order to conclude a Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Serbia, of the other part, to take account of the accession of the Republic of Croatia to the European Union ("the Protocol").
- (2) These negotiations were successfully completed by initialling the Protocol on 10 December 2013.
- (3) The Protocol should be signed on behalf of the Union and its Member States, subject to its conclusion at a later date.
- (4) The conclusion of the Protocol is subject to a separate procedure as regards matters falling within the competence of the European Atomic Energy Community.
- (5) The Protocol should be applied on a provisional basis with effect from the date of its signature.

HAS ADOPTED THIS DECISION:

### *Article 1*

The signing of the Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Serbia,

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<sup>1</sup> OJ C [...], [...], p.[...].

of the other part, to take account of the accession of the Republic of Croatia to the European Union is hereby authorised on behalf of the Union and the Member States, subject to the conclusion of the said Protocol.

The text of the Protocol is attached to this Decision.

*Article 2*

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Protocol on behalf of the Union and its Member States.

*Article 3*

The Protocol shall be applied on a provisional basis, in accordance with Article 14 thereof, as from the first day of the second month following the date of its signature, pending the completion of the procedures for its conclusion.

*Article 4*

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

Done at Brussels,

*For the Council  
The President*