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Proposal for a

COUNCIL DECISION

on the signing, on behalf of the European Union and its Member States, and provisional application of the Additional Protocol to the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part, to take account of the accession of Croatia to the European Union

EXPLANATORY MEMORANDUM

On 24 September 2012, the Council authorised the Commission to open negotiations with the Republic of Korea in order to conclude an Additional Protocol to the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part, to take account of the accession of Croatia to the European Union ("the Protocol").

Those negotiations were successfully completed by initialling the Protocol on 8 November 2013.

The Commission proposes that the Council adopts two Decisions:

- (a) on the signature and provisional application of the Protocol on behalf of the European Union and its Member States; and
- (b) on the conclusion of the Protocol on behalf of the European Union and its Member States.

The Act of Accession of Croatia, in particular the second subparagraph of Article 6(2) thereof, foresees that the Union acts also on behalf of the Member States.

The attached proposal is for a Council Decision on the signature and the 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 and its Member States.

A parallel decision is proposed for the conclusion of the Protocol on behalf of the European Union and its Member States.

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on the signing, on behalf of the European Union and its Member States, and provisional application of the Additional Protocol to the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part, to take account of the accession of Croatia to the European Union

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 91, 100(2), 167(3) and 207, in conjunction with Article 218(5) thereof,

Having regard to the Act of Accession of Croatia, and in particular the second subparagraph of Article 6(2) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 24 September 2012, the Council authorised the Commission to open negotiations, on behalf of the Union and its Member States and Croatia, with the Republic of Korea in order to conclude an Additional Protocol to the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part, to take account of the accession of Croatia to the European Union ("the Protocol").
- (2) Those negotiations were successfully completed by initialling the Protocol on 8 November 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) In view of Croatia's accession to the Union on 1 July 2013, the Protocol should be applied on a provisional basis with effect from that date,

HAS ADOPTED THIS DECISION:

Article 1

The signing of the Additional Protocol to the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part, to take account of the accession of Croatia to the European Union is hereby authorised on behalf of the Union and its 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 9(3) thereof, 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*