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2014/0350 (NLE)

Proposal for a

COUNCIL DECISION

on the Union position to be taken in the SPS Sub-Committee, the Customs Sub-Committee, and in the Geographical Indications Sub-Committee established by the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part, in relation to the adoption of the rules of procedure of the SPS Sub-Committee, the Customs Sub-Committee, and the Geographical Indications Sub-Committee

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL/BACKGROUND

The attached proposal constitutes the legal instrument for authorising the Union position to be taken in the Sub-Committee on Sanitary and Phytosanitary measures (“SPS Sub-Committee”), in the Customs Sub-Committee and in the Geographical Indications Sub-Committee (“GI Sub-Committee”) established by the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part (“the Agreement”), in relation to the adoption of the rules of procedure of the SPS Sub-Committee, the Customs Sub-Committee, and the GI Sub-Committee.

On 16 June 2014, the Council adopted its decision¹ on the signing, on behalf of the European Union and the European Atomic Energy Community and their Member States, and provisional application of certain provisions of the Agreement, including its Deep and Comprehensive Free Trade Area (DCFTA) part. Subsequently, the Agreement was signed in Brussels on 27 June 2014 in the margins of the European Council.

The Republic of Moldova ratified the Agreement on 2 July 2014 and completed, in parallel with the European Union, the requisite notification procedures within the same month. Consequently, in accordance with Article 464 of the Agreement certain provisions thereof (specified in Article 3 of the Council Decision on the signing and provisional application of the Agreement with the Republic of Moldova of 16 June 2014) are applied on a provisional basis starting from 1 September 2014, pending ratification by the EU Member States.

The Agreement established a Sanitary and Phytosanitary Sub-Committee, the Customs Sub-Committee, and the Geographical Indications Sub-Committee. These sub-committees have to monitor the implementation of the DCFTA part of the Agreement, and resolve related issues. The sub-committees have to adopt their rules of procedure. The first meetings of the sub-committees are expected to take place in the beginning of 2015. The rules of procedure of these sub-committees, attached to this proposal, are based on the rules of procedure of the Association Committee.

2. RESULTS OF THE NEGOTIATIONS

Article 191 of the Agreement with the Republic of Moldova provides that the SPS Sub-Committee adopts its rules of procedure at its first meeting. The meeting of the SPS Sub-Committee is to take place in early 2015. In view of this first meeting it is necessary to prepare the Union position on the draft rules of procedure for the said Sub-Committee. The attached draft rules are a result of negotiations with the Republic of Moldova.

Article 200 of the Agreement establishes the Customs Sub-Committee and provides that it should adopt its rules of procedure. The first meeting is expected to take place in early 2015. Therefore it is necessary to prepare the Union position on the rules of procedure for that Sub-Committee. The attached draft rules are a result of negotiations with the Republic of Moldova.

The Article 306 of the Agreement establishes the GI Sub-Committee and provides that it should adopt its rules of procedure. The first meeting is expected to take place in early 2015. Therefore it is necessary to prepare the Union position on the rules of procedure for that Sub-

¹ OJ L 260, 30.8.2014, p. 1.

Committee. The attached draft rules are a result of negotiations with the Republic of Moldova.

3. LEGAL ELEMENTS OF THE PROPOSAL

For the Union, the legal basis for authorising the Union position to be taken in the Sub-Committees established by the Association Agreement between the EU and the Republic of Moldova is the Treaty on the Functioning of the European Union, and in particular its Article 207(4) in conjunction with Article 218(9) thereof.

In light of the above-mentioned results of negotiations, on the basis of Article 207(4) and Article 218(9) TFEU, the European Commission proposes that the Council adopts the Decision authorising the Union position to be taken in the first EU-Republic of Moldova SPS Sub-Committee, the EU-Republic of Moldova Customs Sub-Committee and the EU-Republic of Moldova GI Sub-Committee in relation to their rules of procedure.

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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 the first paragraph of Article 207(4) in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Article 464(3) and (4) of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part, (“the Agreement”) provide for provisional application of the Agreement in part.
- (2) Article 3 of Council Decision 2014/492/EU² specifies the provisions of the Agreement to be applied provisionally, including the provisions on the establishment and functioning of the Sanitary and Phytosanitary Sub-Committee (“SPS Sub-Committee”), the Customs Sub-Committee, and the Geographical Indications Sub-Committee (“GI Sub-Committee”).
- (3) Article 191 of the Agreement provides that the SPS Sub-Committee should establish its rules of procedure at the first meeting.
- (4) Article 200(3) of the Agreement provides that the Customs Sub-Committee should establish its rules of procedure.
- (5) Article 306(3) of the Agreement provides that the GI Sub-Committee should establish its rules of procedure.
- (6) It is therefore appropriate to determine the Union position in relation to the rules of procedure to be adopted by the said Sub-Committees,

² Council Decision of 16 June 2014 on the signing, on behalf of the European Union, and provisional application of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part (OJ L 260, 30.8.2014, p.1).

HAS ADOPTED THIS DECISION:

Article 1

1. The position to be taken by the Union within the SPS Sub-Committee established by Article 191 of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part, in relation to the adoption of the rules of procedure of the SPS Sub-Committee shall be based on the draft Decision of that Sub-Committee attached to this Decision.
2. Minor changes to the draft decisions may be agreed to by the representatives of the Union in the SPS Sub-Committee without further decision of the Council.

Article 2

1. The position to be taken by the Union within the Customs Sub-Committee established by Article 200 of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part, in relation to the adoption of the rules of procedure of the Customs Sub-Committee shall be based on the draft Decision of that Sub-Committee attached to this Decision.
2. Minor changes to the draft decisions may be agreed to by the representatives of the Union in the Customs Sub-Committee without further decision of the Council.

Article 3

1. The position to be taken by the Union within the GI Sub-Committee established by Article 306 of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part, in relation to the adoption of the rules of procedure of the GI Sub-Committee shall be based on the draft Decision of that Sub-Committee attached to this Decision.
2. Minor changes to the draft decisions may be agreed to by the representatives of the Union in the GI Sub-Committee without further decision of the Council.

Article 4

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

Done at Brussels,

*For the Council
The President*