



EUROPEAN  
COMMISSION

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2014/0053 (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 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 signature of a 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:

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

This proposal is presented jointly with a:

- (ii) Proposal for a Council Decision on the conclusion of the Protocol on behalf of the European Union and its Member States;
- (iii) Recommendation for a Council Decision approving the conclusion of the Protocol, by the European Commission, on behalf of the European Atomic Energy Community.

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 2012<sup>1</sup> 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.

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

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<sup>1</sup> 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).

- to authorise the signature, on behalf of the European Union and its Member States and provisional application of an accession 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

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 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 COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 91, 100(2), 207 and 212, in conjunction with Article 218(5) thereof,

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

Having regard to the proposal 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 part<sup>2</sup> ('the Agreement'), is to be agreed by means of a protocol to the Agreement. In accordance with Article 6(2) of the Act of Accession, a simplified procedure is to apply to such accession, whereby a protocol is to be concluded by the Council, acting unanimously on behalf of the Member States, and by the third countries concerned.
- (2) On 14 September 2012, the Council authorised the Commission to open negotiations with the third countries concerned<sup>3</sup>. The negotiations were successfully concluded with the Russian Federation. This was confirmed in an exchange of notes on 24 September 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) In view of Croatia's accession to the Union on 1 July 2013, the Protocol should be applied on a provisional basis from that date,

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<sup>2</sup> OJ L 327, 28.11.1997, p. 3.

<sup>3</sup> 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).

HAS ADOPTED THIS DECISION:

*Article 1*

The signing 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 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 Council Secretariat General shall establish the instrument of full powers to sign the Protocol, subject to its conclusion, for the person(s) indicated by the negotiators of the Protocol.

*Article 3*

The Protocol shall be applied on a provisional basis, in accordance with Article 4 thereof, as from 1 July 2013, 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*