EUROPEAN
COMMISSION

Brussels, 16.9.2013
COM(2013) 632 final

Recommendation for a

COUNCIL DECISION

on the approval of the conclusion by the Commission, on behalf of the European Atomic Energy Community, of a Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Albania, 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 Albania in order to conclude a Protocol to the Stabilisation and Association Agreement (of 1st April 2009) between the European Communities and their Member States, of the one part, and the Republic of Albania, of the other part, to take account of the accession of the Republic of Croatia to the European Union.

These negotiations took place on 19 November 2012 and on 10 January 2013. Following further technical clarifications and correspondence, the Albanian authorities informed of their agreement with the draft Protocol proposed by the Commission on 18 June 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. The European Atomic Energy Community (EAEC) is also a Party to the Stabilisation and Association Agreement. For the conclusion of the Protocol on behalf of the European Atomic Energy Community, the Commission proposes that the Council gives its approval, pursuant to the second paragraph of Article 101 of the Treaty establishing the EAEC.

In accordance with Article 101 EAEC Treaty, the decision to sign the agreement is adopted by the Commission and the decision to conclude the agreement is adopted by the Commission with the approval of the Council. It is therefore necessary to adopt separate decisions for the signature and conclusion of the Protocol by the EU and by the EAEC.

For the conclusion of the Protocol on behalf of the European Atomic Energy Community, the Commission proposes that the Council:

- gives its approval, pursuant to the second paragraph of Article 101 of the Treaty establishing the EAEC.

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on the approval of the conclusion by the Commission, on behalf of the European Atomic Energy Community, of a Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Albania, 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 establishing the European Atomic Energy Community, and in particular the second paragraph of Article 101 thereof,

Having regard to the recommendation from the Commission,

Whereas:

(1) On 24 September 2012 the Council authorised the Commission to open negotiations with Albania 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 Albania, of the other part, to take account of the accession of the Republic of Croatia to the European Union.

(2) These negotiations have been successfully completed.

(3) The Protocol should therefore be concluded, also on behalf of the European Atomic Energy Community as regards matters falling under the Euratom Treaty.

(4) The signature and conclusion of the Protocol is subject to a separate procedure as regards matters falling under the Treaty on European Union and Treaty on the Functioning of the European Union.

(5) The conclusion of the Protocol by the Commission, acting on behalf of the European Atomic Energy Community, should be approved.

HAS DECIDED AS FOLLOWS:

Sole Article

The conclusion by the Commission, on behalf of the European Atomic Energy Community, 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 Albania, of the other part, to take account of the accession of the Republic of Croatia to the European Union ("the Protocol") is hereby approved.

The text of the Protocol is attached to the Decision of the Council on the signing and provisional application of a Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Albania, of the other part, to take account of the accession of the Republic of Croatia to the European Union

Done at Brussels,

For the Council
The President