

COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 29.10.2009
COM(2009)588 final

2009/0163 (CNS)

Proposal for a

COUNCIL REGULATION

amending Council Regulation (EC) No 1085/2006 of 17 July 2006 establishing an Instrument for Pre-Accession Assistance (IPA)

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EXPLANATORY MEMORANDUM

1. BACKGROUND

On 16 July 2009, Iceland presented its application to the Council to become a member of the European Union. The General Affairs Council in its session on 27 July 2009, recalling the renewed consensus on enlargement expressed in the conclusions of the European Council of 14/15 December 2006, and particularly the principle that each applicant country is assessed on its own merits, decided to implement the procedure laid down in Article 49 of the Treaty on European Union. Accordingly, the Commission was invited to submit to the Council its opinion on Iceland's application. Pending the presentation of the Commission's opinion to the Council, Iceland can be considered as a potential candidate country.

Amendments to the Council Regulation (EC) No 1085/2006 of 17 July 2006 establishing an Instrument for Pre-Accession Assistance (IPA) ([1]) are therefore necessary in order to enable Iceland to benefit from the assistance provided under the umbrella of IPA for the potential candidate countries. The first amendment is introduced in Annex II and foresees including Iceland in the list of potential candidate countries. Secondly, an amendment is introduced in Article 4. Article 4 stipulates that assistance under the regulation is provided in accordance with the general policy framework for pre-accession defined by the European and Accession Partnerships and taking due account of the Reports and the Strategy Paper comprised in the annual Enlargement package of the Commission. Considering that the European and Accession Partnerships have been designed particularly for the Western Balkans and Turkey to provide guidance for EU integration and harmonisation with *acquis,* and the fact that Iceland is integrated in the European Economic Area, it is necessary to introduce a minor amendment to Article 4, notably by adding a paragraph which specifies that support to Iceland is provided only on the basis of the Reports and Strategy Paper comprised in the annual Enlargement package of the Commission. This amendment will exclude the application of the European and Accession Partnerships to Iceland.

Existing provisions in the area of the proposal

Commission Regulation (EC) No 718/2007 of 12 June 2007 implementing Council Regulation (EC) No 1085/2006 establishing an instrument for pre-accession assistance (IPA)([2]).

Consistency with the other policies and objectives of the Union

Not applicable.

2. CONSULTATION OF INTERESTED PARTIES AND COLLECTION AND USE OF EXPERTISE

There was no need for consultation of interested parties or for external expertise.

([1]) OJ L 210, 31.7.2006, p. 82, corrigenda OJ L 18, 25.1.2007, p. 11
([2]) OJ L 170, 29.6.2007, p. 1

Impact assessment

Not applicable.

3. LEGAL ELEMENTS OF THE PROPOSAL

Summary of the proposed action

An amendment has to be introduced to Annex II of the Council Regulation (EC) No 1085/2006 of 17 July 2006 establishing an Instrument for Pre-Accession Assistance (IPA) by adding Iceland in the list of the potential candidate countries.

Legal basis

Article 181a of the Treaty establishing the European Community in conjunction with Article 49 of the Treaty of European Union.

Subsidiarity principle

Not applicable.

Proportionality principle

Not applicable.

Choice of instruments

Proposed instrument: amendment to the Council Regulation.

Other means would not be adequate for the following reason: a Regulation must be amended by a Regulation.

4. BUDGETARY IMPLICATIONS

No budgetary implications.

Additional information

Simplification

Not applicable.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 181a thereof,

Having regard to the proposal from the Commission ([3]),

Having regard to the opinion of the European Parliament ([4]),

Having regard to the opinion of the Committee of the Regions ([5]),

Whereas:

(1) Council Regulation (EC) No 1085/2006 of 17 July 2006 ([6]) establishing an Instrument for Pre-Accession Assistance provides for assistance to candidate and potential candidate countries in their progressive alignment with the standards and policies of the European Union, including, where appropriate, *acquis communautaire* with a view to membership.

(2) Article 49 of the Treaty on European Union states that any European State which respects the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law may apply to become a member of the Union.

(3) The European Council of 14 December 2006 in its conclusions expressed the renewed consensus on enlargement, including the principle that each applicant country is assessed on its own merits.

(4) Following Iceland's application for membership to the European Union, submitted on 16 July 2009, the Council has invited the Commission to submit to the Council its opinion on Iceland's application. Iceland can therefore be considered as a potential candidate country.

([3]) OJ C , , p. .
([4]) OJ C , , p. .
([5]) OJ C , , p. .
([6]) OJ L 210, 31.7.2006, p. 82, corrigenda OJ L 18, 25.1.2007, p. 11

(5) Under Council Regulation (EC) No 1085/2006 assistance to potential candidate countries and candidate countries from the Western Balkans and Turkey is provided, *inter alia*, in accordance with the European and Accession Partnerships.

(6) Iceland is a member of the European Economic Area, therefore assistance under Council Regulation (EC) No 1085/2006 shall be provided taking due account of the Reports and the Strategy Paper comprised in the annual Enlargement package of the Commission.

HAS ADOPTED THIS REGULATION:

Article 1

Council Regulation (EC) No 1085/2006 is amended as follows:

(1) In Article 4 the following subparagraph is added:

"For Iceland assistance shall be provided in particular subject to the Reports and the Strategy Paper of the Enlargement package."

(2) In Annex II, the word "Iceland" is added after "Bosnia and Herzegovina".

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Council
Olli *REHN*
Member of the Commission