EUROPEAN
COMMISSION

Brussels, 4.4.2018
COM(2018) 162 final

2018/0075 (NLE)

Proposal for a

COUNCIL DECISION

on the signing, on behalf of the European Union and its Member States, and provisional application of a Protocol to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the State of Israel, of the other part, to take account of the accession of the Republic of Croatia to the European Union

EXPLANATORY MEMORANDUM

The Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the State of Israel, of the other part, was signed in Brussels on 20 November 1995. The Agreement entered into force on 1 June 2000.

In its Act of Accession, the Republic of Croatia undertakes to accede to the international agreements already signed or concluded by the European Union and its Member States by means of a protocol to those agreements.

The attached proposal constitutes the legal instrument for the signing and provisional application of the Protocol to the Agreement, to take account of the accession of the Republic of Croatia to the European Union.

The proposed Protocol incorporates the Republic of Croatia as a contracting party to the Agreement and commits the Union to providing an authentic version of the Agreement in Croatian.

By its Decision of 14 September 2012[1], the Council authorised the Commission to open negotiations with the third countries concerned, in order to conclude the relevant protocols. The negotiations with the State of Israel were successfully concluded on 28 September 2017.

The Commission judges the results of the negotiations to be satisfactory and requests the Council to adopt the attached Decision on the signing and provisional application of the Protocol.

In accordance with EU policy, in particular the Council Conclusions of 10 December 2012, this Protocol shall not apply to the geographic areas that came under the administration of the State of Israel after 5 June 1967.

[1] 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 document 13351/12 LIMITED).

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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 Article 217, in conjunction with Article 218(5) thereof,

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

Having regard to the proposal from the European Commission,

Whereas:

(1) The Euro-Mediterranean Agreement establishing an ssociation between the European Communities and their Member States, of the one part, and the State of Israel, of the other part[2] (hereinafter referred to as 'the Agreement'), was signed in Brussels on 20 November 1995. The Agreement entered into force on 1 June 2000.

(2) The Republic of Croatia became a Member State of the European Union on 1 July 2013.

(3) In accordance with Article 6(2) of the Act of Accession of the Republic of Croatia, the accession of the Republic of Croatia to the Agreement is to be agreed by means of a protocol to the Agreement ('the Protocol'). A simplified procedure is to apply to such accession, whereby a protocol is to be concluded between the Council, acting unanimously on behalf of the Member States, and the third country concerned.

(4) On 14 September 2012, the Council authorised the Commission to open negotiations with the third countries concerned in view of the accession of the Republic of Croatia to the Union. The negotiations with the State of Israel were concluded successfully on 28 September 2017.

(5) Therefore, the Protocol should be signed on behalf of the Union and its Member States, subject to its conclusion at a later date.

(6) The Protocol should be applied provisionally, pending its entry into force, in accordance with Article 7(3) thereof,

[2] OJ L 147, 21.6.2000, p. 1.

HAS ADOPTED THIS DECISION:

Article 1

The signing, on behalf of the Union and its Member States, of the Protocol to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the State of Israel, of the other part, to take account of the accession of the Republic of Croatia to the European Union, is hereby approved 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 General Secretariat shall establish the instrument of full powers to sign the Protocol, subject to its conclusion, for the person(s) designated by the negotiator of the Protocol.

Article 3

The Protocol shall be applied provisionally, with effect from 1 July 2013, in accordance with Article 7(3) thereof, pending its entry into force.

Article 4

This Decision shall enter into force on ….

Done at Brussels,

For the Council
The President