COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 8.6.2007
COM(2007) 309 final

2007/0105 (CNS)

Proposal for a

COUNCIL DECISION

on the conclusion, on behalf of the European Community and its Member States, of a Protocol to the Agreement on Cooperation and Customs Union between the European Economic Community and the Republic of San Marino, regarding the participation, as contracting parties, of the Republic of Bulgaria and Romania, pursuant to their accession to the European Union

(presented by the Commission)

EXPLANATORY MEMORANDUM

The Agreement on Cooperation and Customs Union between the European Economic Community and the Republic of San Marino entered into force on 1 April 2002.

The Agreement needs to be amended to include the new Member States as contracting parties.

Following the authorisation given to the Commission on 25 April 2006, negotiations with the Republic of San Marino on adaptation of the Agreement have been concluded.

The legal bases for the proposed Council decision on the conclusion of the Protocol are the same as those for the Agreement.

In accordance with Article 6(2) of the Protocol concerning the conditions and arrangements for admission of the Republic of Bulgaria and Romania to the European Union, the Commission is to submit a draft of the Protocol to be concluded to the Council.

The proposal is that the Council adopt the attached decision on the conclusion of a Protocol to the Agreement on Cooperation and Customs Union between the European Economic Community and the Republic of San Marino due to EU enlargement.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 133 and 308, in conjunction with the second sentence of Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the Protocol concerning the conditions and arrangements for admission of the Republic of Bulgaria and Romania to the European Union and in particular Article 6(2) thereof,

Having regard to the proposal from the Commission1,

Having regard to the opinion of the European Parliament2

Whereas:

(1) Following the authorisation given to the Commission on 25 April 2006, negotiations with the Republic of San Marino on a Protocol to the Agreement on Cooperation and Customs Union between the European Economic Community and the Republic of San Marino, regarding the participation, as contracting parties, of the Republic of Bulgaria and Romania, pursuant to their accession to the European Union have been concluded.

(2) Pursuant to Article 6(2) of the Protocol concerning the conditions and arrangements for admission of the Republic of Bulgaria and Romania to the European Union, the Commission has submitted a draft of the Protocol to the Council.

(3) The Protocol should be concluded,

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1 OJ C […], […], p. […].

2 EP opinion

HAS DECIDED AS FOLLOWS:

Article 1

The Protocol to the Agreement on Cooperation and Customs Union between the European Economic Community and the Republic of San Marino, regarding the participation, as contracting parties, of the Republic of Bulgaria and Romania, pursuant to their accession to the European Union ("Protocol"), is hereby approved on behalf of the European Community and its Member States.

The text of the Protocol is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person empowered to sign the Protocol on behalf of the Community and its Member States.

Article 3

The President of the Council shall, on behalf of the Community and its Member States, transmit the instrument of approval provided for in Article 3 of the Protocol.

Done at Brussels, […]

For the Council
The President
[...]

ANNEX

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FINANCIAL STATEMENT					[…] DATE: […]
1.	BUDGET HEADING n.a.				APPROPRIATIONS: […]
2.	TITLE: Protocol to the Agreement on Cooperation and Customs Union between the European Economic Community and the Republic of San Marino, regarding the participation, as contracting parties, of the Republic of Bulgaria and Romania, pursuant to their accession to the European Union				
3.	LEGAL BASIS: Articles 133 and 308, in conjunction with the second sentence of Article 300(2) and the first subparagraph of Article 300(3) of the EC Treaty Article 6(2) of the Protocol concerning the conditions and arrangements for admission of the Republic of Bulgaria and Romania to the European Union.				
4.	AIMS: […]				
5.	FINANCIAL IMPLICATIONS None	12 MONTH PERIOD (EUR million)	CURRENT FINANCIAL YEAR [n] (EUR million)		FOLLOWING FINANCIAL YEAR [n+1] (EUR million)
5.0	EXPENDITURE - CHARGED TO THE EC BUDGET (REFUNDS/INTERVENTIONS) - NATIONAL AUTHORITIES - OTHER	[…] None	[…] None		[…] None
5.1	REVENUE - OWN RESOURCES OF THE EC (LEVIES/CUSTOMS DUTIES) - NATIONAL	[…] None	[…] None		[…] None
		[n+2]	[n+3]	[n+4]	[n+5]
5.0.1	ESTIMATED EXPENDITURE	[…]	[…]	[…]	[…]
5.1.1	ESTIMATED REVENUE	[…]	[…]	[…]	[…]
5.2	METHOD OF CALCULATION: […]				
6.0	CAN THE PROJECT BE FINANCED FROM APPROPRIATIONS ENTERED IN THE RELEVANT CHAPTER OF THE CURRENT BUDGET?				YES
6.1	CAN THE PROJECT BE FINANCED BY TRANSFER BETWEEN CHAPTERS OF THE CURRENT BUDGET?				NO
6.2	WILL A SUPPLEMENTARY BUDGET BE NECESSARY?				NO
6.3	WILL APPROPRIATIONS NEED TO BE ENTERED IN FUTURE BUDGETS?				NO
OBSERVATIONS: […]					

PROTOCOL TO THE AGREEMENT ON Cooperation and Customs Union BETWEEN THE EUROPEAN economic COMMUNITY and the republic of san marino, regarding the participation, as contracting parties, of the REPUBLIC OF BULGARIA AND ROMANIA, pursuant to their accession to the European Union

the Kingdom of Belgium, THE REPUBLIC OF BULGARIA, the Czech Republic, the Kingdom of DENMARK, the Federal Republic OF Germany, the Republic of ESTONIA, the Hellenic REPUBLIC, the Kingdom of SPAIN, the French REPUBLIC, Ireland, the ITALIAN Republic, the REPUBLIC of Cyprus, the REPUBLIC of Latvia, the REPUBLIC of Lithuania, the Grand DUCHY of Luxembourg, the Republic of Hungary, the Republic of Malta, the KINGDOM of the Netherlands, the Republic of Austria, the Republic of Poland, the PORTUGUESE Republic, ROMANIA, the Republic of Slovenia, the Slovak REPUBLIC, the Republic of FINLAND, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland (the "Member States")

represented by the Council of the European Union,

and

the European Community,

also represented by the Council of the European Union,

of the one part,

and

THE REPUBLIC OF SAN MARINO,

of the other part,

HAVING REGARD TO the Agreement on Cooperation and Customs Union between the European Economic Community and the Republic of San Marino of 16 December 1991 ("the Agreement"), which entered into force on 1 April 2002,

HAVING REGARD TO the accession of the Republic of Bulgaria and Romania ("the new Member States") to the European Union on 1 January 2007,

WHEREAS the new Member States are to become contracting parties to the Agreement,

WHEREAS the Treaty of Accession empowers the Council of the European Union to conclude, on behalf of the present Member States and the new Member States, a protocol on the accession of the new Member States to the Agreement,

HAVE AGREED AS FOLLOWS:

Article 1

The new Member Sates hereby become contracting parties to the Agreement. In the same manner as the present Member States, they shall adopt and take note of the Agreement and of the Declarations annexed to it.

Article 2

This Protocol shall be an integral part of the Agreement.

Article 3

1. This Protocol shall be approved by the Council of the European Union, on behalf of the Member States and the European Community, and by the Republic of San Marino in accordance with their own procedures.

2. The Parties shall notify each other of the completion of these procedures. The instruments of approval shall be deposited with the General Secretariat of the Council of the European Union.

Article 4

This Protocol shall enter into force on the first day of the first month following the date of deposit of the last instrument of approval.

Article 5

The texts of the Agreement and the Declarations annexed to it, are drawn up in the Bulgarian and Romanian languages.

They are annexed to this Protocol and are equally authentic with the texts in the other languages in which the Agreement and the Declarations annexed to it are drawn up.

Article 6

This Protocol is drawn up in duplicate, in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Icelandic, Italian, Latvian, Lithuanian, Maltese, Norwegian, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages each of these texts being equally authentic.

Done at … on the…… day … of ….in the year two thousand and seven.

For the Council of the European Union

[...]

For the Republic of San Marino

[...]