COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 27.6.2008
COM(2008) 405 final

2008/0133 (CNS)

Proposal for a

COUNCIL DECISION

concerning the signing and conclusion of a Protocol amending the Agreement on Maritime Transport between the European Community and its Member States, of the one part, and the Government of the People's Republic of China, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union

EXPLANATORY MEMORANDUM

The Republic of Bulgaria and Romania acceded to the European Union on 1 January 2007. Under Article 6(2) of the Act concerning the Accession of the Republic of Bulgaria and Romania and the adjustment of the Treaties on which the European Union is founded (hereinafter the 'Act of Accession'), the accession of the two new Member States to the Agreement on Maritime Transport between the European Community and its Member States and the Government of the People's Republic of China signed in Brussels on 6 December 2002 and entered into force on 1 March 2008 shall be agreed by the conclusion of a Protocol to this Agreement. Article 6(2) provides for a simplified procedure, as this Protocol is to be concluded by the Council of the European Union, acting unanimously on behalf of the Member States, and China.

Consequently, the Commission has negotiated this Protocol on behalf of the European Community and its Member States on the basis of negotiating directives adopted by the Council on 23 October 2006, and in consultation with a committee of the representatives of the Member States. The draft Protocol was initialled by the Commission and the Chinese representatives in Beijing on 28 February 2008.

The Protocol provides for the necessary technical and linguistic adaptations of the Agreement that ensue from the accession of the two new Member States.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 80(2) in conjunction with Article 300(2), first subparagraph, first sentence and Article 300(3), first subparagraph,

Having regard to the 2005 Act of Accession, and in particular Article 6(2) thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament [1],

Whereas:

(1) The Agreement on Maritime Transport between the European Community and its Member States, of the one part, and the Government of the People's Republic of China, of the other part, hereinafter referred to as the "Agreement", was signed in Brussels on 6 December 2002 and entered into force on 1 March 2008[2].

(2) The Commission was authorised by the Council on 23 October 2006 to negotiate a Protocol amending the Agreement with China in order to take account of the accession of the Republic of Bulgaria and Romania.

(3) The Protocol was initialled by both sides on 28 February 2008.

(4) The Protocol should therefore be approved,

HAS DECIDED AS FOLLOWS:

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1 Opinion delivered on … (not yet published in the Official Journal).

2 OJ L 46, 21.2.2008, p. 25.

Article 1

The Protocol amending the Agreement on Maritime Transport between the European Community and its Member States, of the one part, and the Government of the People's Republic of China, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union is hereby adopted on behalf of the Community and its Member States.

The text of the Protocol is attached to this Decision.

Article 2

The President of the Council shall, on behalf of the Community and the Member States, give the notification provided for in Article 3 of the Protocol.

Done at Brussels,

For the Council

The President

ANNEX

28.02.2008

DRAFT

PROTOCOL

AMENDING THE AGREEMENT

ON MARITIME TRANSPORT

BETWEEN THE EUROPEAN COMMUNITY

AND ITS MEMBER STATES, OF THE ONE PART,

AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA,

OF THE OTHER PART

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,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

hereinafter referred to as the "Member States", represented by the Council of the European Union, and

THE EUROPEAN COMMUNITY, hereinafter referred to as "the Community", represented by the Council of the European Union,

of the one part, and

THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA,

of the other part,

HAVING REGARD TO the accession of the Republic of Bulgaria and Romania to the European Union and thereby to the Community on 1 January 2007,

HAVE AGREED AS FOLLOWS:

ARTICLE 1

The Republic of Bulgaria and Romania shall be Parties to the Agreement on Maritime Transport between the European Community and its Member States, of the one part, and the Government of the People's Republic of China, of the other part, signed in Brussels on 6 December 2002 and entered into force on 1 March 2008, (hereinafter called "the Agreement").

ARTICLE 2

The texts of the Agreement in the Bulgarian and Romanian languages, which are attached to this Protocol, shall become authentic under the same conditions as the other language versions drawn up in accordance with Article 14 of the Agreement.

ARTICLE 3

The Contracting Parties shall notify each other on the accomplishment of the internal legal procedures for the entry into force of this Protocol. This Protocol shall enter into force on the date of receipt of the last written notification.

ARTICLE 4

This Protocol is drawn up at xxxx, on this xx day of yy in the year two thousand and zz, in duplicate, in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish and Chinese languages, each of these texts being equally authentic.

FOR THE MEMBER STATES

FOR THE EUROPEAN COMMUNITY

FOR THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA