EUROPEAN
COMMISSION

Brussels, 26.2.2016
COM(2016) 90 final

2016/0054 (NLE)

Proposal for a

COUNCIL DECISION

on the signing, on behalf of the European Union and its Member States, of the Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Tajikistan, of the other part, to take account of the accession of the Republic of Croatia to the European Union

EXPLANATORY MEMORANDUM

The attached proposal constitutes the legal instrument for the signature and provisional application of a Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Tajikistan, of the other part, to take account of the accession of the Republic of Croatia to the European Union (hereinafter referred to as 'the Protocol').

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

The Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Tajikistan, of the other part, hereinafter referred to as 'the Agreement', was signed in Brussels on 11 October 2004 and entered into force on 1st October 2010.

The Council Decision of 14 September 2012[1] authorised the Commission to open negotiations with the third countries concerned, in order to conclude the relevant protocols. The negotiations with the Republic of Tajikistan were successfully concluded by the initialling of the Protocol.

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

The Commission considers the outcome of the negotiations satisfactory and requests the Council to authorise the signature, on behalf of the European Union and its Member States, of the Protocol.

[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 doc. 13351/12 LIMITED).

2016/0054 (NLE)

Proposal for a

COUNCIL DECISION

on the signing, on behalf of the European Union and its Member States, of the Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Tajikistan, 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 on the Functioning of the European Union, and in particular Articles 207 and 209, 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) 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 Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Tajikistan, of the other part ('the Agreement') is to be agreed by means of a protocol to the Agreement. In accordance with Article 6(2) of the Act of Accession, a simplified procedure is to apply to such accession, whereby a protocol is to be concluded by the Council, acting unanimously on behalf of the Member States, and by the third countries concerned.

(2) On 14 September 2012, the Council authorised the Commission to open negotiations with the third countries concerned[2]. The negotiations were successfully concluded with the Republic of Tajikistan by the initialling of the Protocol.

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

HAS ADOPTED THIS DECISION:

Article 1

The signing on behalf of the Union and its Member States of the Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Tajikistan, of the other part, to take account of the accession of the Republic of Croatia to the European Union is hereby authorised, subject to the conclusion of the said Protocol.

[2] 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 doc. 13351/12 LIMITED)

The text of the Protocol is attached to this Decision.

Article 2

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

Article 3

This Decision shall enter into force on the day of its adoption.

Done at Brussels,

For the Council
The President