COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 5.12.2006
COM(2006) 777 final

2006/0259 (CNS)

Proposal for a

COUNCIL DECISION

on the signature and provisional application of a Second Additional Protocol to the Economic Partnership, Political Coordination and Cooperation Agreement between the European Community and its Member States, of the one part, and the United Mexican States, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union

Proposal for a

COUNCIL DECISION

on the conclusion of a Second Additional Protocol to the Economic Partnership, Political Coordination and Cooperation Agreement between the European Community and its Member States, of the one part, and the United Mexican States, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union

(presented by the Commission)

EXPLANATORY MEMORANDUM

Under 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 accession of the Republic of Bulgaria and Romania to the EU-Mexico Economic Partnership, Political Coordination and Cooperation Agreement is to be agreed by means of a Second Additional Protocol to the Agreement. The same article provides for a special procedure whereby the Protocol is to be concluded by the Council, acting unanimously on behalf of the Member States, and by the third country concerned. This procedure is without prejudice to the Community's own competences.

On 23 October 2006 the Council approved a mandate for the Commission to negotiate such a Protocol with Mexico. These negotiations have since been completed to the satisfaction of the Commission.

The attached proposals are for (1) a Council Decision on the signature and provisional application of the Second Additional Protocol and (2) a Council Decision on the conclusion of the Second Additional Protocol.

The text of the Protocol is attached. The most important aspects of the Protocol are provision for the accession of the Republic of Bulgaria and Romania to the EU-Mexico Agreement and inclusion of the new official languages of the EU.

It should be noted that the EU-Mexico free trade area was established by subsequent Decisions of the EU-Mexico Joint Council. Consequently the necessary adaptations to the trade provisions will also be made by means of Joint Council Decisions and are therefore not addressed in this Protocol.

The Commission asks the Council to approve the attached draft Council Decisions for the signing, provisional application and conclusion of the Protocol.

The European Parliament will be called upon to give its opinion to this Protocol.

Proposal for a

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on ~~t~~he signature and provisional application of a Second Additional Protocol to the Economic Partnership, Political Coordination and Cooperation Agreement between the European Community and its Member States, of the one part, and the United Mexican States, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 57(2), 71, 80(2), 133(1), 133(5) and 181 in conjunction with the first subparagraph, first sentence, of Article 300(2) thereof,

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

Having regard to the proposal from the Commission,

Whereas:

(1) On 23 October the Council authorised the Commission, on behalf of the European Community and its Member States, to negotiate with Mexico a Second Additional Protocol to the Economic Partnership, Political Coordination and Cooperation Agreement between the European Community and its Member States, of the one part, and Mexico, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the EU

(2) These negotiations have been concluded to the satisfaction of the Commission

(3) The text of the Second Additional Protocol provides for the provisional application of the Protocol before its entry into force

(4) Subject to its possible conclusion at a later date, the Second Additional Protocol should be signed on behalf of the Community,

HAS DECIDED AS FOLLOWS:

Article 1

The President of the Council is hereby authorised to designate the person(s) empowered to sign, on behalf of the European Community and its Member States, the Second Additional Protocol to the Economic Partnership, Political Coordination and Cooperation Agreement

between the European Community and its Member States, of the one part, and the United Mexican States, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union. The text of the Second Additional Protocol is attached to this Decision.

Article 2

The European Community and its Member States shall apply provisionally the terms of the Second Additional Protocol, subject to its entry into force at a later date.

This Decision is addressed to the Member States.

Done at Brussels,

For the Council
The President

2006/0259 (CNS)

Proposal for a

COUNCIL DECISION

on the conclusion of a Second Additional Protocol to the Economic Partnership, Political Coordination and Cooperation Agreement between the European Community and its Member States, of the one part, and the United Mexican States, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 57(2), 71, 80(2), 133(1), 133(5) and 181 in conjunction with the first subparagraph, first and second sentences of Article 300(2) and the first subparagraph of Article 300(3) thereof,

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

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas:

(1) The Second Additional Protocol to the Economic Partnership, Political Coordination and Cooperation Agreement between the European Community and its Member States, of the one part, and Mexico, of the other part, was signed on behalf of the European Community and its Member States on

(2) The Second Additional Protocol should be approved,

HAS DECIDED AS FOLLOWS:

Sole Article

The Second Additional Protocol to the Economic Partnership, Political Coordination and Cooperation Agreement between the European Community and its Member States, of the one part, and the United Mexican States, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union, is hereby approved on behalf of the European Community and its Member States. The text of the second Additional Protocol is attached to this Decision.

This Decision is addressed to the Member States.

Done at Brussels,

For the Council
The President

ANNEX

SECOND Additional Protocol

to the Economic Partnership, Political Coordination and Cooperation Agreement between the European Community and its Member States, of the one part, and the United Mexican States, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union

THE KINGDOM OF BELGIUM,

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,

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 "European Community Member States",

THE EUROPEAN COMMUNITY,

hereinafter referred to as "the Community",

THE UNITED MEXICAN STATES,

hereinafter referred to as "Mexico",

and

THE REPUBLIC OF BULGARIA,

ROMANIA,

hereinafter referred to as "the New Member States",

WHEREAS the Economic Partnership, Political Coordination and Cooperation Agreement between the Community and its Member States, of the one part, and Mexico, of the other part, hereinafter referred to as "the Agreement", was signed in Brussels on 8 December 1997 and entered into force on 1 October 2000;

WHEREAS the (first) Additional Protocol to the Economic Partnership, Political Coordination and Cooperation Agreement between the Community and its Member States, of the one part, and Mexico, of the other part, was signed in Mexico City on 2 April 2004 and in Brussels on 29 April 2004;

WHEREAS the Treaty concerning the accession of the Republic of Bulgaria and Romania to the European Union (hereinafter referred to as "Treaty of Accession") was signed in Luxembourg on 25 April 2005;

WHEREAS, pursuant to the Treaty of Accession and in particular Article 6(2) of the Protocol concerning the conditions and arrangements for admission of the Republic of Bulgaria and Romania, the incorporation of the New Member States to the Agreement is to be formalised by the conclusion of a Protocol to the Agreement;

WHEREAS Article 55 of the Agreement states: "For the purposes of this Agreement, 'the parties' shall mean, on the one hand, the Community or its Member States or the Community and its Member States, in accordance with their respective areas of competence, as derived from the Treaty establishing the European Community and, on the other hand, Mexico";

WHEREAS Article 56 of the Agreement states: “This Agreement shall apply to the territory in which the Treaty establishing the European Community is applied under the conditions laid down in that Treaty, on the one hand, and to the territory of the United Mexican States, on the other”;

WHEREAS Article 59 of the Agreement states: “This Agreement is drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish and Swedish languages, each of these texts being equally authentic”;

WHEREAS the (first) Additional Protocol takes account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia, and the Slovak Republic to the European Union;

WHEREAS the Agreement was authenticated in the Czech, Estonian, Hungarian, Latvian, Lithuanian, Maltese, Polish, Slovak and Slovenian language versions under the same conditions as the versions drawn up in the original languages of the Agreement;

WHEREAS the European Community, in view of the date of accession of the New Member States to the European Union, may need to apply the provisions of this Protocol before having completed all internal procedures required for its entry into force;

WHEREAS Article 5(3) of the present Protocol would allow for the provisional application of the Protocol by the European Community and its Member States before having completed their internal procedures required for its entry into force;

HAVE AGREED AS FOLLOWS:

Article 1

The Republic of Bulgaria and Romania are hereby incorporated as Parties to the Economic Partnership, Political Coordination and Cooperation Agreement between the European Community and its Member States, of the one part, and the United Mexican States, of the other part.

Article 2

Within six months of the initialling of this Protocol the European Community shall communicate to the Member States and to Mexico the Bulgarian and Romanian language versions of the Agreement. Subject to the entry into force of this Protocol the new language versions shall become authentic under the same conditions as the versions drawn up in the present languages of the Agreement.

Article 3

This Protocol shall form an integral part of the Economic Partnership, Political Coordination and Cooperation Agreement.

Article 4

This Protocol is drawn up 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 and Swedish languages, each of these texts being equally authentic.

Article 5

1. This Protocol shall be signed and approved by the European Community, by the Council of the European Union on behalf of the Member States and by the United Mexican States in accordance with their respective procedures.

2. This Protocol shall enter into force on the first day of the month following the date on which the Parties notify each other of the completion of the procedures necessary for this purpose.

3. Notwithstanding paragraph 2, the Parties agree that, pending the completion of the internal procedures of the European Community and its Member States for the entry into force of the Protocol, they shall apply the provisions of this Protocol for a maximum period of 12 months from the first day of the month following the date on which the European Community and its Member States give notification of the completion of their procedures necessary for that purpose and Mexico gives notification of the completion of its procedures necessary for entry into force of the Protocol.

4. Notification shall be sent to the Secretary-General of the Council of the European Union who shall be the depositary for the Agreement.

Done at _____, on _____ in the year 2006 and

At ....., on .....in the year 2006.

For the European Community,

Name, Position

For Mexico,

Name, Position