EUROPEAN
COMMISSION

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Recommendation for a

COUNCIL DECISION

approving the conclusion, by the Commission, on behalf of the European Atomic Energy Community, of the Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Serbia, of the other part, to take account of the accession of the Republic of Croatia to the European Union

EXPLANATORY MEMORANDUM

On 24 September 2012 the Council authorised the Commission to open negotiations, on behalf of the European Union and its Member States and the Republic of Croatia, with Serbia in order to conclude a Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Serbia, of the other part, to take account of the accession of the Republic of Croatia to the European Union.

Two rounds of negotiations took place on 28 January 2013 and on 13 March 2013 and were followed by further technical clarifications and correspondence. The Protocol was initialled by the Commission and the Government of Serbia on 10 December 2013. The text of the draft Protocol is attached.

The Commission proposes that the Council decides on the signature and provisional application of the Protocol on behalf of the European Union and concludes the Protocol on behalf of the European Union and its Member States. The European Atomic Energy Community (EAEC) is also a Party to the Stabilisation and Association Agreement. For the conclusion of the Protocol on behalf of the European Atomic Energy Community, the Commission proposes that the Council gives its approval, pursuant to the second paragraph of Article 101 of the Treaty establishing the EAEC.

In accordance with Article 101 EAEC Treaty, the decision to sign the agreement is adopted by the Commission and the decision to conclude the agreement is adopted by the Commission with the approval of the Council. It is therefore necessary to adopt separate decisions for the signature and conclusion of the Protocol by the EU and by the EAEC.

For the conclusion of the Protocol on behalf of the European Atomic Energy Community, the Commission proposes that the Council:

– gives its approval, pursuant to the second paragraph of Article 101 of the Treaty establishing the EAEC.

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approving the conclusion, by the Commission, on behalf of the European Atomic Energy Community, of the Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Serbia, 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 establishing the European Atomic Energy Community, and in particular the second paragraph of Article 101 thereof,

Having regard to the recommendation from the Commission,

Whereas:

(1) On 24 September 2012 the Council authorised the Commission to open negotiations with the Republic of Serbia in order to conclude a Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Serbia, of the other part, to take account of the accession of the Republic of Croatia to the European Union ("the Protocol").

(2) These negotiations have been successfully completed by initialling the Protocol on 10 December 2013.

(3) The conclusion, by the Commission, of the Protocol should be approved as regards matters falling within the competence of the European Atomic Energy Community.

(4) The signature and conclusion of the Protocol is subject to a separate procedure as regards matters falling within the competence of the Union and the Member States.

HAS ADOPTED THIS DECISION:

Sole Article

The conclusion by the European Commission, on behalf of the European Atomic Energy Community, of the Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Serbia, of the other part, to take account of the accession of the Republic of Croatia to the European Union is hereby approved.

The text of the Protocol is attached to the Decision on its signature.

Done at Brussels,

For the Council
The President