



Brussels, 26.6.2015
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2015/0137 (NLE)

Proposal for a

COUNCIL DECISION

on the signing, on behalf of the European Union and its Member States, and provisional application of a Protocol to the Framework Agreement between the European Union and its Member States, on the one hand, and the Republic of Korea, on the other hand, to take account of the accession of the Republic of Croatia to the European Union

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

In accordance with the Act of Accession of the Republic of Croatia, Croatia will 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 Council Decision of 14 September 2012¹ authorised the Commission to open negotiations with the third countries concerned, in order to conclude the relevant protocols.

The Framework Agreement between the European Union and its Member States, on the one hand, and the Republic of Korea, on the other hand (hereinafter referred to as ‘the Agreement’) was signed on 10 May 2010.

Following negotiations with the Republic of Korea, the following distinct proposals are submitted:

- (i) Proposal for a Council Decision on the signature and provisional application of a Protocol to the Agreement (hereinafter referred to as ‘the Protocol’) to take account of Croatia’s accession to the European Union;
- (ii) Proposal for a Council Decision on the conclusion of the Protocol, to be taken up by the Council in due time following the signature of the Protocol.

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

Negotiations with the Republic of Korea were successfully concluded by the initialling of the Protocol. The Commission has judged the results of the negotiations to be satisfactory.

3. LEGAL ELEMENTS OF THE PROPOSAL

The proposed Protocol makes the Republic of Croatia a contracting party to the Agreement and commits the EU to providing an authentic version of the Agreement in Croatian, which is now an official EU language.

The Commission asks the Council to authorise the signature, on behalf of the European Union and its Member States, and provisional application of a Protocol to the Framework Agreement between the European Union and its Member States, on the one hand, and the Republic of Korea, on the other hand, to take account of Croatia’s accession to the EU. Following the signature of the Protocol, the second proposal, on the conclusion of the Protocol, will be considered by the Council in due course.

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).

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union establishing the European Union and in particular Articles 207 and 212, 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) The Framework Agreement between the European Union and its Member States, on the one hand, and the Republic of Korea, on the other hand² ('the Agreement'), was signed in Brussels on 10 May 2010.
- (2) The Republic of Croatia became a Member State of the European Union on 1 July 2013.
- (3) Under the terms of Article 6(2) of the Act of Accession, Croatia's accession to the Agreement is to be agreed by means of a Protocol to the Agreement. A simplified procedure is to apply whereby the Protocol is to be concluded by the Council, acting unanimously on behalf of the Member States, and by the third countries concerned.
- (4) On 14 September 2012, the Council authorised the Commission to open negotiations with the third countries concerned³. The negotiations with the Republic of Korea were successfully concluded by the initialling of the Protocol.
- (5) Article 4(3) of the Protocol provides for its provisional application before its entry into force.
- (6) The Protocol should be signed, subject to its conclusion at a later date, and applied on a provisional basis,

² OJ L 332, 19.12.2005, p. 2.

³ 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).

HAS ADOPTED THIS DECISION:

Article 1

The signing on behalf of the Union and its Member States of the Protocol to the Framework Agreement between the European Union and its Member States, on the one hand, and the Republic of Korea, on the other hand, is hereby approved on behalf of the Union and its Member States, subject to the conclusion of the said Protocol.

The text of the Protocol is attached to this Decision.

Article 2

The General Secretariat of the Council shall establish the instrument of full powers to sign the Protocol, subject to its conclusion, for the person(s) indicated by the negotiator.

Article 3

Subject to its conclusion at a later date and pending its entry into force, the Protocol shall be applied provisionally, in accordance with its Article 4(3).

Article 4

This Decision shall enter into force on the day of its adoption. It shall be published in the *Official Journal of the European Union*.

Done at Brussels,

For the Council
The President