



Brussels, 26.2.2016  
COM(2016) 88 final

Recommendation for a

**COUNCIL DECISION**

**approving the conclusion, by the European Commission, on behalf of the European Atomic Energy Community, 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 Recommendation for a Council Decision approving the conclusion of the Protocol, by the European Commission, on behalf of the European Atomic Energy Community, 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

- (i) Recommendation for a Council Decision approving the conclusion of the Protocol, by the European Commission, on behalf of the European Atomic Energy Community.

This proposal is presented jointly with a:

- (ii) Proposal for a Council Decision on the signature and provisional application of the Protocol on behalf of the European Union and its Member States;
- (iii) Proposal for a Council Decision on the conclusion of the Protocol on behalf of the European Union and its Member States;

According to the Act of Accession of the Republic of Croatia, the Republic of Croatia is to accede to 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 on 11 October 2004 and entered into force on 1<sup>st</sup> October 2010.

A Council Decision of 14 September 2012<sup>1</sup> 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 has judged the results of the negotiations to be satisfactory and requests the Council to recommend a Council Decision approving the conclusion, by the European Commission, on behalf of the European Atomic Energy Community, 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.

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<sup>1</sup> 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).

Recommendation for a

## COUNCIL DECISION

**approving the conclusion, by the European Commission, on behalf of the European Atomic Energy Community, 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 establishing the European Atomic Energy Community, and in particular the second paragraph of Article 101 thereof,

Having regard to the recommendation 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.
- (2) On 14 September 2012, the Council authorised the Commission to open negotiations with the third countries concerned<sup>2</sup>. The negotiations were successfully concluded with the Republic of Tajikistan by the initialling of the Protocol.
- (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 are subject to a separate procedure as regards matters falling within the competence of the Union and its Member States,

HAS ADOPTED THIS DECISION:

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<sup>2</sup> 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)

*Sole Article*

The conclusion by the European Commission, on behalf of the European Atomic Energy Community, of the 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 approved.

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

Done at Brussels,

*For the Council  
The President*