



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 15.4.2004
COM(2004) 258 final

2004/0083 (CNS)

Proposal for a

COUNCIL DECISION

on the conclusion, on behalf of the European Community and its Member States, of a Protocol to the Agreement on Cooperation and Customs Union between the European Economic Community and the Republic of San Marino, regarding the participation, as contracting parties, 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, pursuant to their accession to the European Union

(presented by the Commission)

EXPLANATORY MEMORANDUM

The Agreement on Cooperation and Customs Union between the European Economic Community and its Member States and the Republic of San Marino entered into force on 1 April 2002.

The Agreement needs to be amended to take account of the new Member States as Contracting Parties.

Following the authorization given to the Commission on 23 February 2004, negotiations with the Republic of San Marino on the adaptation of the Agreement have been concluded.

The legal bases for the proposed Council concluding decision are the same as those for the Agreement. Reference is also made to Article 2(3) of the Treaty of Accession to provide for possible adoption of the Council decision prior to accession.

The Commission, according to Article 6(2) of the Act of Accession, is to submit a draft of the Protocol for conclusion to the Council.

It is proposed that the Council adopt the attached decision on the conclusion of a Protocol to the Agreement on Cooperation and Customs Union between the European Economic Community and the Republic of San Marino due to EU enlargement.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 133 and 308, in conjunction with the second sentence of Article 300(2) and the first sub-paragraph of Article 300(3) thereof,

Having regard to the Treaty of Accession of 16 April 2003, and in particular Article 2(3) thereof,

Having regard to the Act of Accession annexed to the Treaty of Accession and in particular Article 6(2) thereof,

Having regard to the proposal from the Commission¹,

Having regard to the opinion of the European Parliament²,

Whereas:

- (1) Following the authorization given to the Commission on 23 February 2004, negotiations with the Republic of San Marino for a Protocol to the Agreement on Cooperation and Customs Union between the European Economic Community and the Republic of San Marino, regarding the participation, as contracting parties, 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, pursuant to their accession to the European Union have been concluded.
- (2) Pursuant to Article 6(2) of the Act of Accession, a draft of the Protocol has been submitted by the Commission to the Council.
- (3) The Protocol should be concluded,

¹ OJ C [...] [...], p.[...]

² OJ C [...] [...], p. [...]

HAS DECIDED AS FOLLOWS:

Article 1

The Protocol to the Agreement on Cooperation and Customs Union between the European Economic Community and the Republic of San Marino, regarding the participation, as contracting parties, 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, pursuant to their accession to the European Union, is hereby approved on behalf of the European Community and its Member States.

The text of the Protocol is attached to this Decision.

Article 2

The President of the Council is hereby authorized to designate the person empowered to sign the Protocol on behalf of the Community and its Member States.

Article 3

The President of the Council shall, on behalf of the Community and its Member States, transmit the instrument of approval provided for in Article 3 of the Protocol.

Done at Brussels,

For the Council
The President

ANNEX

FINANCIAL STATEMENT				
				DATE:
1.	BUDGET HEADING n.a.	APPROPRIATIONS:		
2.	TITLE: Protocol to the Agreement on Cooperation and Customs Union between the European Economic Community and the Republic of San Marino, regarding the participation, as contracting parties, 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, pursuant to their accession to the European Union			
3.	LEGAL BASIS: Articles 133, and 308, in conjunction with the second sentence of Article 300(2) and the first subparagraph of Article 300(3) of the EC Treaty Article 2(3) of the Treaty of Adhesion and Article 6(2) of the Act of Accession			
4.	AIMS:			
5.	FINANCIAL IMPLICATIONS None	12 MONTH PERIOD (EUR million)	CURRENT FINANCIAL YEAR [n] (EUR million)	FOLLOWING FINANCIAL YEAR [n+1] (EUR million)
5.0	EXPENDITURE - CHARGED TO THE EC BUDGET (REFUNDS/INTERVENTIONS) - NATIONAL AUTHORITIES - OTHER	None	None	None
5.1	REVENUE - OWN RESOURCES OF THE EC (LEVIES/CUSTOMS DUTIES) - NATIONAL	None	None	None
5.0.1	ESTIMATED EXPENDITURE	[n+2]	[n+3]	[n+4]
5.1.1	ESTIMATED REVENUE			[n+5]
5.2	METHOD OF CALCULATION:			
6.0	CAN THE PROJECT BE FINANCED FROM APPROPRIATIONS ENTERED IN THE RELEVANT CHAPTER OF THE CURRENT BUDGET?			YES
6.1	CAN THE PROJECT BE FINANCED BY TRANSFER BETWEEN CHAPTERS OF THE CURRENT BUDGET?			NO
6.2	WILL A SUPPLEMENTARY BUDGET BE NECESSARY?			NO
6.3	WILL APPROPRIATIONS NEED TO BE ENTERED IN FUTURE BUDGETS?			NO
OBSERVATIONS:				

PROTOCOL TO THE AGREEMENT ON COOPERATION AND CUSTOMS UNION
BETWEEN THE EUROPEAN ECONOMIC COMMUNITY AND THE REPUBLIC OF
SAN MARINO, REGARDING THE PARTICIPATION, AS CONTRACTING PARTIES,
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,
PURSUANT TO THEIR ACCESSION 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
AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,
(THE “MEMBER STATES”)

represented by the Council of the European Union,

and,

THE EUROPEAN COMMUNITY,

also represented by the Council of the European Union,

of the one part,

and

THE REPUBLIC OF SAN MARINO,

of the other part.

HAVING REGARD TO the Agreement on Cooperation and Customs Union between the
European Economic Community and the Republic of San Marino of 16 December 1991 (“the
Agreement”), which entered into force on 1 April 2002,

HAVING REGARD TO 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 (“the new Member States”) to the European Union on 1 May 2004,

WHEREAS the new Member States are to become Contracting Parties to the Agreement,

CONSIDERING that the Treaty of Accession grants to the Council of the European Union the power to conclude, on behalf of the present Member States and the new Member States, a protocol on the accession of the new Member States to the Agreement,

HAVE AGREED AS FOLLOWS:

Article 1

The new Member States hereby become Contracting Parties to the Agreement: they shall respectively adopt and take note, in the same manner as the present Member States, of the Agreement, as well as the Declarations annexed to it.

Article 2

This Protocol shall be an integral part of the Agreement.

Article 3

1. This Protocol shall be approved by the Council of the European Union, on behalf of the Member States and the European Community, and by the Republic of San Marino in accordance with their own procedures.
2. The Parties shall notify each other of the accomplishment of these procedures. The instruments of approval shall be deposited with the General Secretariat of the Council of the European Union.

Article 4

1. This Protocol shall enter into force on the same day as the Treaty of Accession, provided that both instruments of approval have been deposited before that date.
2. If the instruments of approval have not been deposited before that date, this Protocol shall enter into force on the first day of the first month following the date of deposit of the last instrument of approval.

Article 5

The texts of the Agreement, as well as the Declarations annexed to it, are drawn up in the Czech, Estonian, Hungarian, Latvian, Lithuanian, Maltese, Polish, Slovak and Slovenian languages.

They are annexed to this Protocol and are equally authentic with the texts in the other languages in which the Agreement, as well as the Declarations annexed to it are drawn up.

Article 6

This Protocol is drawn up in duplicate in the Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Slovenian, Slovak, Spanish and Swedish languages, each of those texts being equally authentic.

Done at ... on the day ... of ...in the year two thousand and four.

For the Council of the European Union

[...]

For the Republic of San Marino

[...]