



Council of the  
European Union

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**Interinstitutional File:**  
**2016/0311 (NLE)**

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COWEB 103

**PROPOSAL**

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From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	6 October 2016
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2016) 640 final
Subject:	Proposal for a COUNCIL DECISION on the conclusion, on behalf of the European Union and its Member States, of the Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part, to take account of the accession of the Republic of Croatia to the European Union

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Delegations will find attached document COM(2016) 640 final.

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Encl.: COM(2016) 640 final



Brussels, 6.10.2016  
COM(2016) 640 final

2016/0311 (NLE)

Proposal for a

## **COUNCIL DECISION**

**on the conclusion, on behalf of the European Union and its Member States,  
of the Protocol to the Stabilisation and Association Agreement between  
the European Communities and their Member States, of the one part, and  
Bosnia and Herzegovina, 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 conclusion of a Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part, to take account of the accession of the Republic of Croatia to the European Union (hereinafter referred to as 'the Protocol').

According to its Act of Accession, Croatia shall 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 Stabilisation and Association Agreement between the European Communities and its Member States, of the one part, and Bosnia and Herzegovina, of the other part, hereinafter referred to as 'the Agreement', was signed in Luxembourg on 16 June 2008 and entered into force on 1 June 2015.

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 Bosnia and Herzegovina 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 Bosnia and Herzegovina, of the other part, to take account of the accession of the Republic of Croatia to the European Union.

Several rounds of negotiations took place between 13 December 2012 and 28 April 2016. Following further technical consultations and correspondence, the Protocol was initialled by the Commission and Bosnia and Herzegovina on 18 July 2016.

The Commission proposes that the Council decides on the conclusion of the Protocol on behalf of the European Union and its Member States. Signature and provisional application of the Protocol are subject to a proposal for a separate Council decision. The conclusion of the Protocol on behalf of the European Atomic Energy Community (EAEC) follows a separate procedure, by which the Commission recommends that the Council gives its approval, pursuant to the second paragraph of Article 101 of the Treaty establishing the EAEC.

The attached proposal is for a Council decision on the conclusion of the Protocol. The Commission proposes that the Council:

- concludes the Protocol on behalf of the European Union and its Member States.

Proposal for a

## COUNCIL DECISION

**on the conclusion, on behalf of the European Union and its Member States, of the Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, 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 on the Functioning of the European Union, and in particular Article 217, in conjunction with point (a)(i) of the second subparagraph of Article 218(6) and the second subparagraph of Article 218(8) thereof,

Having regard to the Act of Accession of the Republic of Croatia, and in particular the second subparagraph of Article 6(2) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,

Whereas:

- (1) In accordance with Council Decision 2016/.../EU<sup>1</sup>, the Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part, to take account of the accession of the Republic of Croatia to the European Union (the "Protocol"), was signed on [...], subject to its conclusion at a later date.
- (2) The conclusion of the Protocol is subject to a separate procedure as regards matters falling under the Treaty establishing the European Atomic Energy Community.
- (3) The Protocol should be approved,

HAS ADOPTED THIS DECISION:

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<sup>1</sup> [Council Decision No 2016/.../EU of [...2016] on the signing, on behalf of the European Union and its Member States, and provisional application of the Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part, to take account of the accession of the Republic of Croatia to the European Union (OJ L [...], [...], p.[...]). ]

### *Article 1*

The Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part, to take account of the accession of the Republic of Croatia to the European Union is approved on behalf of the Union and its Member States<sup>2</sup>.

### *Article 2*

The President of the Council shall designate the person(s) empowered to deposit, on behalf of the Union and its Member States, the instrument of approval provided for in Article 7 of the Protocol.

### *Article 3*

This Decision shall enter into force on the date of its adoption.

Done at Brussels,

*For the Council  
The President*

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<sup>2</sup> The text of the Protocol has been published together with the decision on its signature (see page [...] of this Official Journal)