



Council of the
European Union

Brussels, 7 October 2016
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COVER NOTE

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) 642 final
Subject:	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 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

Delegations will find attached document COM(2016) 642 final.

Encl.: COM(2016) 642 final



Brussels, 6.10.2016
COM(2016) 642 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 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 Recommendation for a Council Decision approving the conclusion by the European Commission, on behalf of the European Atomic Energy Community, 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 signature and provisional application of the Protocol 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. In accordance with Article 101 of the Treaty establishing the EAEC, the decision to conclude the agreement is adopted by the Commission with the approval of the Council acting by means of a qualified majority vote..

It is therefore necessary to adopt separate decisions for the signature and conclusion of the Protocol by the European Union and by the EAEC.

For the conclusion of the Protocol on behalf of the EAEC, the Commission recommends that the Council:

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

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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 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) 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 was signed on 16 June 2008 and entered into force on 1 June 2015¹.
- (2) The Republic of Croatia became a Member State of the Union on 1 July 2013.
- (3) In accordance with the second subparagraph of Article 6(2) of the 2012 Act concerning the conditions of accession of the Republic of Croatia to the European Union, the accession of Croatia to 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, should be agreed by the conclusion of a protocol to such agreement by the Council acting unanimously on behalf of the Member States and by the third country concerned.
- (4) On 24 September 2012 the Council authorised the Commission to open negotiations 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 ("the Protocol").
- (5) These negotiations were completed by initialling the Protocol on 18 July 2016.
- (6) The Protocol covers matters falling under competences of the European Atomic Energy Community.

¹ OJ L 164, 30.6.2015, p. 2.

- (7) The conclusion, by the Commission on behalf of the European Atomic Energy Community, of the Protocol should be approved as regards matters falling within the competence of the European Atomic Energy Community.
- (8) The signature and conclusion of the Protocol is subject to a separate procedure as regards matters falling under the Treaty on European Union and the Treaty on Functioning of the European Union,

HAS ADOPTED THIS DECISION:

Article 1

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 Bosnia and Herzegovina, 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.

Article 2

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

Done at Brussels,

*For the Council
The President*