



Council of the  
European Union

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Eingelangt am 28/02/17

Brussels, 28 February 2017  
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**Interinstitutional File:**  
**2017/0041 (NLE)**

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COLAC 18  
WTO 44  
CFSP/PESC 190  
ELARG 16  
UD 57

## PROPOSAL

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	23 February 2017
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2017) 89 final
Subject:	Proposal for a COUNCIL DECISION on the signing, on behalf of the European Union and its Member States, and provisional application of the Third Additional Protocol to the Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, 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(2017) 89 final.

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Encl.: COM(2017) 89 final



EUROPEAN  
COMMISSION

Brussels, 23.2.2017  
COM(2017) 89 final

2017/0041 (NLE)

Proposal for a

## **COUNCIL DECISION**

**on the signing, on behalf of the European Union and its Member States, and provisional application of the Third Additional Protocol to the Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part, to take account of the accession of the Republic of Croatia to the European Union**

## **EXPLANATORY MEMORANDUM**

The Agreement establishing an association between the European Community and its Member States, on the one hand, and the Republic of Chile, on the other, ('the Agreement') was signed on 18 November 2002 in Brussels and entered into force on 1 March 2005.

The attached proposal constitutes the legal instrument for the signing and provisional application of the Third Additional Protocol ('the Protocol') to the Agreement, to take account of Croatia's accession to the European Union (EU).

Under its Act of Accession, Croatia undertakes to accede to the international agreements signed or concluded by the EU and its Member States through protocols to those agreements.

The 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 Chile were successfully concluded by the initialling of the Protocol on 9 July 2015.

The proposed Protocol incorporates Croatia as a contracting party to the Agreement. The texts of the Agreement and the Final Act in the Croatian language will become authentic under the same conditions as other language versions of the Agreement.

The Protocol will apply with effect from 1 July 2013.

The Commission considers the outcome of the negotiations satisfactory and requests the Council to authorise the signing of the Protocol, on behalf of the EU and its Member States, and its provisional application.

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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).

Proposal for a

## **COUNCIL DECISION**

**on the signing, on behalf of the European Union and its Member States, and provisional application of the Third Additional Protocol to the Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, 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 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) In accordance with Article 6(2) of the Act of Accession of the Republic of Croatia, the accession of Croatia to inter alia the Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part<sup>[1]</sup> ('the Agreement') is to be agreed by means of a protocol to the Agreement ('the Protocol'). Pursuant to that article, a simplified procedure is to apply to such accessions, whereby a protocol is to be concluded by the Council, acting unanimously on behalf of the Member States, and by the third country concerned.
- (2) On 14 September 2012, the Council authorised the Commission to open negotiations with the third countries concerned in view of the accession of Croatia to the European Union. The negotiations with Chile were successfully concluded with the initialling of the Protocol on 9 July 2015 in Brussels.
- (3) The Protocol should be signed on behalf of the Union and its Member States, subject to its conclusion at a later date.
- (4) The Protocol should be applied on a provisional basis pending the completion of the procedures for its conclusion.

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<sup>[1]</sup> OJ L 352, 30.12.2002, p. 3.

HAS ADOPTED THIS DECISION:

*Article 1*

The Council hereby authorises, on behalf of the Union and its Member States, the signature of the Third Additional Protocol to the Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part, to take account of the accession of the Republic of Croatia to the European Union. This authorisation is subject to the conclusion of the said Protocol.

The text of the Protocol is attached to this Decision.

*Article 2*

The Council hereby authorises its President to designate the person(s) empowered to sign the Protocol on behalf of the Union and its Member States.

*Article 3*

The Protocol shall be applied on a provisional basis in accordance with Article 14(2) and 14(3) thereof pending its entry into force.

*Article 4*

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

Done at Brussels,

*For the Council*  
*The President*