



Council of the  
European Union

Brussels, 28 February 2017  
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**Interinstitutional File:**  
**2017/0042 (NLE)**

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COLAC 21  
WTO 47  
CFSP/PESC 193  
ELARG 19  
UD 60

## PROPOSAL

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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) 95 final
Subject:	Proposal for a COUNCIL DECISION on the conclusion, on behalf of the European Union and its Member States, 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

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Delegations will find attached document **COM(2017) 95 final**.

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Encl.: **COM(2017) 95 final**



Brussels, 23.2.2017  
COM(2017) 95 final

2017/0042 (NLE)

Proposal for a

## **COUNCIL DECISION**

**on the conclusion, on behalf of the European Union and its Member States, 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 conclusion 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 Protocol was signed on .... in ... following the Council Decision of .... to sign it and apply it provisionally.

The 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 requests the Council to conclude the Protocol on behalf of the EU and its Member States.

The European Parliament will be called upon to give its consent to the Protocol.

Proposal for a

## COUNCIL DECISION

**on the conclusion, on behalf of the European Union and its Member States, 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(6)(a) 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,

Having regard to the consent of the European Parliament,

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 EU. The negotiations with Chile were successfully concluded and the Protocol to the Agreement was signed on behalf of the European Union and its Member States on [...]in [...].
- (3) The Protocol should be approved,

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

HAS ADOPTED THIS DECISION:

*Article 1*

The Council hereby approves, on behalf of the European Union and its Member States, 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<sup>1</sup>.

*Article 2*

The President of the Council shall designate the person empowered to give, on behalf of the European Union and its Member States, the notification provided for in Article 14(1) of the Protocol.

*Article 3*

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

Done at Brussels,

*For the Council  
The President*

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<sup>1</sup> The text of the Protocol was published in the Official Journal of the European Union OJ L .... together with the decision on its signing.