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PROPOSAL

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	23 July 2014
To:	Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2014) 480 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 Accession Protocol to the Framework Agreement on Comprehensive Partnership and Cooperation between the European Community and its Member States, of the one part, and the Republic of Indonesia, 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(2014) 480 final.

Encl.: COM(2014) 480 final



Brussels, 23.7.2014
COM(2014) 480 final

2014/0219 (NLE)

Proposal for a

COUNCIL DECISION

on the signing, on behalf of the European Union and its Member States, and provisional application of the Accession Protocol to the Framework Agreement on Comprehensive Partnership and Cooperation between the European Community and its Member States, of the one part, and the Republic of Indonesia, 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 signature of the Accession Protocol to the Framework Agreement on Comprehensive Partnership and Cooperation between the European Community and its Member States, of the one part, and the Republic of Indonesia, 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 undertakes to 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 Framework Agreement on Comprehensive Partnership and Cooperation between the European Community and its Member States, of the one part, and the Republic of Indonesia, of the other part, hereinafter referred to as "the Agreement", was signed in Jakarta on 9 November 2009 and entered into force on 1 May 2014.

The Council Decision of 14 September 2012¹ authorised the Commission to open negotiations with the third countries concerned, in order to conclude the relevant protocols. The negotiations with Indonesia were successfully concluded.

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

The Protocol will apply provisionally as of the date of its signature.

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

¹ 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 Accession Protocol to the Framework Agreement on Comprehensive Partnership and Cooperation between the European Community and its Member States, of the one part, and the Republic of Indonesia, 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 Articles 207 and 209, 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) Under the terms of Article 6(2) of the Act of Accession of the Republic of Croatia, the accession of the Republic of Croatia to the Framework Agreement on Comprehensive Partnership and Cooperation between the European Community and its Member States, of the one part, and the Republic of Indonesia, of the other part² ("the Agreement") is to be agreed by means of a protocol to the Agreement. In accordance with Article 6(2) of the Act of Accession, a simplified procedure is to apply to such accession, whereby a protocol is to be concluded by the Council, acting unanimously on behalf of the Member States, and by the third countries concerned.
- (2) On 14 September 2012, the Council authorised the Commission to open negotiations with the third countries concerned³. The negotiations were successfully concluded with the Republic of Indonesia by the initialling of the Protocol.
- (3) Article 4(3) of the Protocol provides for its provisional application as of the date of its signature.
- (4) The Protocol should be signed, subject to its conclusion at a later date and applied on a provisional basis,

² OJ L 125, 26.4.2014, p. 17

³ 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)

HAS ADOPTED THIS DECISION:

Article 1

The signing on behalf of the Union and its Member States of the Accession Protocol to the Framework Agreement on Comprehensive Partnership and Cooperation between the European Community and its Member States, of the one part, and the Republic of Indonesia, of the other part, to take account of the accession of the Republic of Croatia to the European Union is hereby authorised, subject to the conclusion of the said Protocol.

The text of the Protocol is attached to this Decision.

Article 2

The President of the Council is hereby authorised 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 as of the date of its signature, pending the completion of the procedures for its conclusion.

Article 4

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

Done at Brussels,

*For the Council
The President*