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COVER NOTE

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	28 October 2014
To:	Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2014) 661 final
Subject:	Recommendation for a COUNCIL DECISION concerning the accession of Croatia to the Convention of 26 May 1997, drawn up on the basis of Article K.3(2)(c) of the Treaty on European Union, on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union

Delegations will find attached document COM(2014) 661 final.

Encl.: COM(2014) 661 final



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2014/0322 (NLE)

Recommendation for a

COUNCIL DECISION

concerning the accession of Croatia to the Convention of 26 May 1997, drawn up on the basis of Article K.3(2)(c) of the Treaty on European Union, on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union

EXPLANATORY MEMORANDUM

The 2011 Accession Treaty of the Republic of Croatia¹ has introduced a simplified system for the accession of Croatia to the conventions (and protocols) concluded by the Member States on the basis of Art. 34 TEU (previously Art. K.3 TEU). Article 3(4) and 3(5) of the Act provides that Croatia accedes to these conventions and protocols by virtue of the Act of Accession.

Article 3(5) of the Act of Accession provide that, to that effect, the Council shall adopt a decision in order to determine the date on which these conventions shall enter into force for Croatia and to make all the necessary adjustments to these conventions required by reason of the accession of the new Member State (which would include, in any event, the adoption of the conventions in the Croatian language, so that these versions can be "equally authentic"). The Council shall act on a recommendation of the Commission, after consulting the European Parliament.

Annex I to the Act of Accession gives the list of the conventions and protocols concerned.

The list includes the Convention of 26 May 1997, drawn up on the basis of Article K.3(2)(c) of the Treaty on European Union, on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union.

This Commission Recommendation for a Council Decision is intended to make the adjustments required by reason of the accession of Croatia to the aforementioned Convention, in accordance with Article 3(4) and 3(5) of the Act of Accession.

¹ OJ L 112, 24.4.2012, p. 6–110

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union,

Having regard to the Treaty of Accession of Croatia

Having regard to the Act of Accession of Croatia (hereinafter referred to as the "Act of Accession"), and in particular Article 3 (5) thereof,

Having regard to the recommendation from the Commission²,

Having regard to the opinion of the European Parliament³,

Whereas:

- (1) The Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union (hereinafter referred to as "the Convention against officials' corruption") was signed on 26 May 1997 and entered into force on 28 September 2005.
- (2) Article 3 (4) of the Act of Accession provides that Croatia accedes to the conventions and protocols concluded between the Member States, listed in Annex I to the Act of Accession, which comprises, inter alia, the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union. They are to enter into force in relation to Croatia on the date determined by the Council.
- (3) In accordance with Article 3 (5) of the Act of Accession the Council is to make all adjustments required by reason of accession to those conventions and protocols,

² OJ C , , p. .

³ OJ C , , p. .

HAS DECIDED AS FOLLOWS:

Article 1

The Convention against officials' corruption shall enter into force for Croatia on the first day of the first month following the date of adoption of this decision.

Article 2

The texts of the Convention against officials' corruption drawn up in the Croatian language and annexed to this Decision shall be authentic under the same conditions as the other texts of the Convention against officials' corruption.

Article 3

This Decision shall take effect on the 20th day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels,

*For the Council
The President*