



Council of the
European Union

Brussels, 4 May 2015
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COVER NOTE

From: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 30 April 2015

To: Mr Uwe CORSEPIUS, Secretary-General of the Council of the
European Union

No. Cion doc.: COM(2015) 182 final

Subject: Recommendation for a COUNCIL DECISION approving the conclusion,
by the European Commission, on behalf of the European Atomic Energy
Community, of the Stabilisation and Association Agreement between the
European Union and the European Atomic Energy Community, of the
one part, and of Kosovo*, of the other part

Delegations will find attached document COM(2015) 182 final.

Encl.: COM(2015) 182 final

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.



Brussels, 30.4.2015
COM(2015) 182 final

Recommendation for a

COUNCIL DECISION

approving the conclusion, by the European Commission, on behalf of the European Atomic Energy Community, of the Stabilisation and Association Agreement between the European Union and the European Atomic Energy Community, of the one part, and of Kosovo^{*}, of the other part

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

In June 2013 the Council authorised the Commission to open negotiations with Kosovo* on a Stabilisation and Association Agreement.

The negotiations were successfully concluded by initialling the text of the draft SAA on 25 July 2014. The European Atomic Energy Community (EAEC) is also a Party to the Stabilisation and Association Agreement with Kosovo. In the light of the results of the negotiations with Kosovo, the Commission proposes that the Council approves, pursuant to Article 101 (2) of EAEC Treaty, the conclusion of the Stabilisation and Association Agreement between the European Union and the European Atomic Energy Community, of the one part, and Kosovo, of the other part, as regards matters falling within the competence of EAEC.

The Commission will sign and conclude the Stabilisation and Association Agreement on behalf of the EAEC simultaneously with the conclusion of the Stabilisation and Association Agreement on behalf of the EU.

2. LEGAL ELEMENTS OF THE PROPOSAL

The Commission proposes that the Council approves, pursuant to the second paragraph of Article 101 of the Treaty establishing the European Atomic Energy Community, the conclusion of the Stabilisation and Association Agreement between the European Union and the European Atomic Energy Community, of the one part, and Kosovo, of the other part, as regards matters falling proper to the EAEC.

For the EAEC, the legal basis for this Agreement is Article 101 of the Treaty establishing the European Atomic Energy Community.

The attached proposal constitutes, together with the Commission decision on conclusion, the legal instrument for conclusion of the Stabilisation and Association Agreement on behalf of the EAEC.

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Recommendation for a

COUNCIL DECISION

approving the conclusion, by the European Commission, on behalf of the European Atomic Energy Community, of the Stabilisation and Association Agreement between the European Union and the European Atomic Energy Community, of the one part, and of Kosovo^{*}, of the other part

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 proposal from the European Commission,

Whereas:

- (1) On 21 June 2013 the Council authorised the European Commission to open negotiations with Kosovo for a Stabilisation and Association Agreement. The negotiations were successfully concluded by the initialling of the Agreement on 25 July 2014.
- (2) The Agreement also covers matters falling under competences of the European Atomic Energy Community.
- (3) The Agreement should therefore also be concluded on behalf of the European Atomic Energy Community as regards matters falling under the Euratom Treaty.
- (4) The signature and conclusion of the Agreement is subject to a separate procedure as regards matters falling under the Treaty on European Union and the Treaty on the Functioning of the European Union. On [...] the European Commission proposed to the Council that the Agreement should be signed on behalf of the European Union, subject to conclusion at a later date.
- (5) The Agreement is without prejudice to Member States' position on the status of Kosovo, which will be decided in accordance with their national practice and international law.
- (6) In addition, none of the terms, wording or definitions used in this Decision and the text of the Agreement, nor any recourse to the necessary legal base for the conclusion of the Agreement constitute recognition of Kosovo by the European Atomic Energy Community as an independent State nor does it constitute recognition by individual Member States of Kosovo in that capacity where they have not taken such a step.

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- (7) The conclusion of the Agreement, by the European Commission, acting on behalf of the European Atomic Energy Community, of the Agreement should therefore be approved as regards matters falling within the competence of the European Atomic Energy Community.

HAS ADOPTED THIS DECISION:

Article 1

The conclusion by the European Commission, on behalf of the European Atomic Energy Community, of the Stabilisation and Association Agreement between the European Union and the European Atomic Energy Community, of the one part, and Kosovo*, of the other part, is hereby approved.

The text of the Agreement is attached to the Decision on the signing, on behalf of the European Union, of the Stabilisation and Association Agreement between the European Union and the European Atomic Energy Community, of the one part, and Kosovo*, of the other part¹.

Article 2

The present Decision is without prejudice to Member States' and the Union's position on the status of Kosovo.

Done at Brussels,

*For the Council
The President*

¹ OJ, L...