



Council of the  
European Union

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Eingelangt am 26/02/18

Brussels, 26 February 2018  
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**Interinstitutional File:**  
**2017/0032 (NLE)**

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**MOG 88**  
**IRAQ 11**  
**CFSP/PESC 1154**

## **LEGISLATIVE ACTS AND OTHER INSTRUMENTS**

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Subject: COUNCIL DECISION on the signing, on behalf of the European Union and its Member States, and provisional application of the Protocol to the Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Iraq, of the other part, to take account of the accession of the Republic of Croatia to the European Union

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**COUNCIL DECISION (EU) 2018/...**

**of ...**

**on the signing,  
on behalf of the European Union and its Member States,  
and provisional application of the Protocol  
to the Partnership and Cooperation Agreement  
between the European Union and its Member States, of the one part,  
and the Republic of Iraq, 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 91, 100, 207 and 209, in conjunction with Article 218(5) thereof,

Having regard to the Act of Accession of Croatia, and in particular Article 6(2) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Iraq, of the other part ('the Agreement'), was signed on 11 May 2012.
- (2) In accordance with Article 6(2) of the Act of Accession of Croatia, the accession of the Republic of Croatia to the Agreement is to be agreed by means of a protocol ('the Protocol'). A simplified procedure is to apply to such accession, whereby a protocol is to be concluded between the Council, acting unanimously on behalf of the Member States, and the third country concerned.
- (3) On 14 September 2012, the Council authorised the Commission to open negotiations with the third countries concerned in view of the accession of the Republic of Croatia to the Union. The negotiations with the Republic of Iraq were successfully concluded with the initialling of the Protocol on 24 August 2016.
- (4) The Republic of Croatia became a Member State of the Union on 1 July 2013.
- (5) Article 5(3) of the Protocol provides for its provisional application pending its entry into force.
- (6) The Protocol should be signed and applied on a provisional basis pending the completion of the procedures necessary for its entry into force,

HAS ADOPTED THIS DECISION:

### *Article 1*

The signing on behalf of the Union and its Member States of the Protocol to the Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Iraq, 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 in accordance with Article 5(3) thereof, as from 1 July 2013, pending the completion of the procedures necessary for its entry into force.

*Article 4*

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

Done at Brussels,

*For the Council*

*The President*

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