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COVER NOTE

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	4 January 2019
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2018) 853 final
Subject:	Proposal for a COUNCIL DECISION on the conclusion, on behalf of the European Union and its Member States, of the Protocol to the Cooperation Agreement on a Civil Global Navigation Satellite System (GNSS) between the European Community and its Member States, of the one part, and the Republic of Korea, of the other part, to take account of the accession of the Republic of Bulgaria, the Republic of Croatia and Romania to the European Union

Delegations will find attached document COM(2018) 853 final.

Encl.: COM(2018) 853 final

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Brussels, 4.1.2019
COM(2018) 853 final

2018/0429 (NLE)

Proposal for a

COUNCIL DECISION

on the conclusion, on behalf of the European Union and its Member States, of the Protocol to the Cooperation Agreement on a Civil Global Navigation Satellite System (GNSS) between the European Community and its Member States, of the one part, and the Republic of Korea, of the other part, to take account of the accession of the Republic of Bulgaria, the Republic of Croatia and Romania to the European Union

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

The attached proposal constitutes the legal instrument for the conclusion of a Protocol to the Cooperation Agreement on a Civil Global Navigation Satellite System (GNSS) between the European Community and its Member States, of the one part, and the Republic of Korea, of the other part to take account of the accession of Republic of Bulgaria, the Republic of Croatia and Romania to the European Union.

In accordance with the Acts of Accession of the Republic of Bulgaria, the Republic of Croatia and Romania, the three Member States shall 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 Cooperation Agreement on a Civil Global Navigation Satellite System (GNSS) between the European Community and its Member States, of the one part, and the Republic of Korea, of the other part ¹ was signed on 9 September 2006 and entered into force on 1 July 2016 (the "Agreement").

Following the Council Decision of [...] to sign a Protocol to the Agreement to take account of the accession of the Republic of Bulgaria, Romania and the Republic of Croatia to the European Union, the Protocol was signed with the representative of the Republic of Korea on [...].

The proposed Protocol makes the Republic of Bulgaria, Republic of Croatia and Romania contracting parties to the Agreement and commits the EU to providing an authentic version of the Agreement in Bulgarian, Croatia and Romanian.

2. LEGAL ELEMENTS OF THE PROPOSAL

Following the signature of the Protocol, the Commission proposes to the Council to authorise the conclusion, on behalf of the European Union and its Member States, of a Protocol to the Cooperation Agreement on a Civil Global Navigation Satellite System (GNSS) between the European Community and its Member States, of the one part, and the Republic of Korea, of the other part, the to take account of the accession of the Republic of Bulgaria, the Republic of Croatia and Romania to the EU.

¹ OJ L288. 19.10.2006. p.31

Proposal for a

COUNCIL DECISION

on the conclusion, on behalf of the European Union and its Member States, of the Protocol to the Cooperation Agreement on a Civil Global Navigation Satellite System (GNSS) between the European Community and its Member States, of the one part, and the Republic of Korea, of the other part, to take account of the accession of the Republic of Bulgaria, the Republic of Croatia and Romania 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 172, in conjunction with Article 218(6)(a) thereof,

Having regard to the Acts of Accession of the Republic of Bulgaria and Romania, and 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) The Cooperation Agreement on a Civil Global Navigation Satellite System (GNSS) between the European Community and its Member States, of the one part, and the Republic of Korea, of the other part ('the Agreement'), was signed on 9 September 2006 and entered into force on 1 July 2016.
- (2) Bulgaria and Romania became Member States of the Union on 1 January 2007 and Croatia on 1 July 2013
- (3) In accordance with Article 6(2) of the Acts of Accession of Bulgaria, Romania, and of Croatia, respectively, accession to the Cooperation Agreement on a Civil Global Navigation Satellite System (GNSS) between the European Community and its Member States, of the one part, and the Republic of Korea, of the other part is to be agreed by means of a Protocol to the Agreement ('the Protocol'). 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.
- (4) On 23 October 2006 and on 14 September 2012, the Council authorised the Commission to open negotiations with the third countries concerned in order to conclude protocols to international agreements concluded by the European Union and its Member States.

- (5) The negotiations with Korea were successfully concluded by exchange of notes verbales.
- (6) In accordance with Council Decision [XXX]², the Protocol was signed on [...], subject to its conclusion at a later date.
- (7) Therefore, the Protocol should be approved on behalf of the Union and its Member States,

HAS ADOPTED THIS DECISION:

Article 1

The Protocol to the Cooperation Agreement on a Civil Global Navigation Satellite System (GNSS) between the European Community and its Member States, of the one part, and the Republic of Korea, of the other part, to take account of the accession of the Republic of Bulgaria, the Republic of Croatia and Romania is hereby approved on behalf of the Union and its Member States³.

Article 2

The President of the Council shall designate the person empowered to proceed, on behalf of the Union and its Member States, to the notification provided for in Article 4 of the Protocol, in order to express the consent of the Union and its Member States to be bound by the Protocol.

Article 3

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

Done at Brussels,

*For the Council
The President*

² Council Decision on the signing, on behalf of the European Union and its Member States, of the Protocol to the Cooperation Agreement on a Civil Global Navigation Satellite System (GNSS) between the European Community and its Member States, of the one part, and the Republic of Korea, of the other part, to take account of the accession of the Republic of Bulgaria, the Republic of Croatia and Romania to the European Union (OJ L , , p.).

³ The text of the Protocol has been published in the OJ L [...] of [...], p. [...] together with the Decision on its signing.