



Brussels, 31.1.2014  
COM(2014) 42 final

2014/0019 (NLE)

Proposal for a

## **COUNCIL DECISION**

**on the conclusion on behalf of the European Union and its Member States of the Additional Protocol to the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part, to take account of the accession of Croatia to the European Union**

## **EXPLANATORY MEMORANDUM**

On 24 September 2012, the Council authorised the Commission to open negotiations with the Republic of Korea in order to conclude an Additional Protocol to the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part, to take account of the accession of Croatia to the European Union ("the Protocol").

Those negotiations were successfully completed by initialling the Protocol on 8 November 2013.

The Commission proposes that the Council adopts two Decisions:

- (a) on the signature and provisional application of the Protocol on behalf of the European Union and its Member States; and
- (b) on the conclusion of the Protocol on behalf of the European Union and its Member States.

The Act of Accession of Croatia, in particular the second subparagraph of Article 6(2) thereof, foresees that the Union acts also on behalf of the Member States.

The attached proposal is for a Council Decision on the conclusion of the Protocol. The Commission proposes that the Council:

- concludes the Protocol on behalf of the European Union and its Member States.

A parallel decision is proposed for the signature and the provisional application of the Protocol on behalf of the European Union and its Member States.

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## COUNCIL DECISION

**on the conclusion on behalf of the European Union and its Member States of the Additional Protocol to the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part, to take account of the accession 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(2), 167(3), 207 and 218(6), second subparagraph, point (a)(v) thereof,

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

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament<sup>1</sup>

Whereas:

- (1) In accordance with Council Decision 2013/.../EU<sup>2</sup>, the Additional Protocol to the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part, to take account of the accession of Croatia to the European Union ("the Protocol") has been signed, subject to its conclusion.
- (2) The Protocol should be approved,

HAS ADOPTED THIS DECISION:

### *Article 1*

The Additional Protocol to the Free Trade Agreement between the European Union 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 Croatia to the European Union is hereby approved on behalf of the Union and its Member States<sup>3</sup>.

### *Article 2*

The President of the Council is hereby authorised to designate the person(s) empowered to deposit, on behalf of the Union and its Member States, the instrument of approval provided for in Article 9 (4) of the Protocol.

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<sup>1</sup> OJ C [...], [...], p.[...].

<sup>2</sup> OJ L [...], [...], p.[...].

<sup>3</sup> The text of the Protocol will be published together with the decision on its signature.

*Article 3*

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

Done at Brussels,

*For the Council  
The President*