



Brussels, 14.11.2014
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2014/0327 (NLE)

Proposal for a

COUNCIL DECISION

**on the conclusion of a Protocol amending the Agreement on Maritime Transport
between the European Community and its Member States, of the one part, and the
Government of the People's Republic of China, of the other part, to take account of the
accession of the Republic of Croatia to the European Union**

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

In accordance with the Act of Accession of the Republic of Croatia¹, Croatia will accede to the agreements concluded or signed before the accession of Croatia by the EU Member States and the Union with one or more third countries by means of a protocol to those agreements. The Council decision of 14 September 2012² authorised the Commission to open negotiations with the third countries concerned, in order to conclude the relevant protocols.

The Agreement on Maritime Transport between the European Community and its Member States and the Government of the People's Republic of China was signed in Brussels on 6 December 2002, and concluded by Council Decision of 28 January 2008 and entered into force on 1 March 2008³.

Consequently, the Commission has negotiated a Protocol on the basis of Negotiating Directives adopted by the Council on 14 September 2012, and in consultation with a special committee appointed by the Council. The Protocol was signed by the Commission and the Chinese representatives in Brussels on xx yy zzzz.

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

Negotiations with the People's Republic of China were successfully concluded by the initialling of the Protocol on 20 June 2014.

3. LEGAL ELEMENTS OF THE PROPOSAL

The Protocol makes the Republic of Croatia a party to the Agreement and provides for the necessary linguistic adaptations of the Agreement that ensue from the accession of the Republic of Croatia. No changes to the substance of the agreement are made.

The Commission asks the Council to authorise the conclusion of the Protocol.

¹ OJ L 112, 24.04.2012, p. 21.

² 13351/12

³ L 46/23

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2) in conjunction with Article 218(6)(a) thereof,

Having regard to the Act of Accession 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 opinion of the European Parliament⁴,

Whereas:

- (1) The Agreement on Maritime Transport between the European Community and its Member State, of the one part, and the government of the People's Republic of China, of the other part, hereinafter referred to as the "Agreement", was signed in Brussels on 6 December 2002, concluded on 28 January 2008 and entered into force on 1 March 2008.
- (2) the Commission was authorised by the Council on 14 September 2012 to negotiate a Protocol amending the Agreement with China in order to take account of the accession of the Republic of Croatia
- (3) The Protocol has been signed in Brussels on xx.yy.www
- (4) In accordance with Article 6(2) Act of Accession of the Republic of Croatia, Croatia is to accede to the Agreement by way of a protocol between the Council and the People's Republic of China.
- (5) The protocol should therefore be concluded,

HAS ADOPTED THIS DECISION:

Article 1

The Protocol amending the Agreement on Maritime Transport between the European Community and its Member States, of the one part, and the Government of the People's Republic of China, 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.

⁴ OJ C , , p . .

Article 2

The President of the Council shall designate the person (s) empowered to give, on behalf of the European Union and its Member States, the notification provide for in Article 3 of the Protocol.

Article 3

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

Done at Brussels,

For the Council

The President