



Brussels, 14.11.2014
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Proposal for a

COUNCIL DECISION

on the signing 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 2008.

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 draft Protocol was initialled by the Commission and the Chinese representatives in Brussels on 20 June 2014.

Following negotiations with the People's Republic of China, the following distinct proposals are submitted:

- (i) Proposal for a Council Decision on the signature of a Protocol to the Agreement (hereinafter referred to as 'the Protocol')
- (ii) Proposal for a Council Decision on the conclusion of the Protocol, to be taken up by the Council in due time following the signature of the Protocol.

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 signature, on behalf of the European Union and its Member States, of a Protocol to 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 Croatia's accession to the EU. Following the signature of the protocol, the second proposal, on the conclusion of the Protocol, will be considered by the Council in due course.

¹ OJ L 112, 24.04.2012, p. 21.

² 13351/12

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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(5)) 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,

Whereas:

- (1) 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, hereinafter referred to as the "Agreement", was signed in Brussels on 6 December 2002, concluded on 28 January 2008³ 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 initialled in Brussels on 20 June 2014.
- (4) The Protocol should therefore be signed pending the completion of the procedures for its formal conclusion,

HAS ADOPTED THIS DECISION:

Article 1

1. The signing of 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, subject to its conclusion.
2. The text of the Protocol is attached to this Decision.

Article 2

³ OJ L 46, 21.2.2008, p.23.

The President of the Council shall designate the person (s) empowered to sign the protocol, on behalf of the European Union and its Member States.

Article 3

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

Done at Brussels,

For the Council
The President