



Brussels, 9.11.2015
COM(2015) 556 final

Recommendation for a

COUNCIL DECISION

concerning the accession of the Republic of Croatia to the Convention of 18 December 1997, drawn up on the basis of Article K.3 of the Treaty of the European Union, on mutual assistance and cooperation between customs administrations

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

- **Reasons for and objectives of the proposal**

The Act of Accession of the Republic of Croatia ¹ contains a simplified system for accession of Croatia to the conventions and protocols concluded by the Member States on the basis of Article 34 TEU (previously Article K.3 TEU) or Article 293 EC. In fact, Article 3(4) of the Act of Accession simply provides that Croatia accedes to the conventions and protocols by virtue of the Act.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

Articles 3(4) and (5) of the Act of Accession provide that the Council shall adopt a decision in order to determine the date on which these conventions and protocols shall enter into force for Croatia and to make all the necessary adjustments to these conventions and protocols required by reason of the accession of Croatia. The Council shall act on a recommendation of the Commission, after consulting the European Parliament.

Annex I to the Act of Accession gives the list of conventions and protocols concerned in the Justice and Home Affairs area.

This list includes the Convention of 18 December 1997, drawn up on the basis of Article K.3 of the Treaty on European Union, on mutual assistance and cooperation between customs administrations².

The accession of Croatia to the aforementioned Convention does not require adjustments thereto.

Hence this Commission Recommendation for a Council Decision is intended to only determine the date on which the Convention of 18 December 1997 shall enter into force for Croatia.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Impact assessment**

Because the Act of Accession already foresees the accession of Croatia to the conventions and protocols listed in Annex I to the Act, it is not necessary to proceed with a consultation of interested parties and an impact assessment of such an accession.

4. BUDGETARY IMPLICATIONS

None

¹ OJ L112, 24.4.2012, p. 21.

² OJ C 24, 23.1.1998, p.2. Last amended by Council Decision of 6 December 2007 concerning the accession of Bulgaria and Romania to the convention, OJ L 9, 12.1.2008, p.21.

5. OTHER ELEMENTS

- **Detailed explanation of the specific provisions of the proposal**

The Commission is invited to adopt the Recommendation for a Council Decision and to transmit it to the Council and the European Parliament.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union,

Having regard to the Treaty of Accession of the Republic of Croatia,

Having regard to the Act of Accession of the Republic of Croatia, and in particular Articles 3(4) and (5) thereof,

Having regard to the proposal from the Commission³,

Having regard to the opinion of the European Parliament⁴,

Whereas:

- (1) The Convention drawn up on the basis of Article K.3 of the Treaty on European Union on mutual assistance and cooperation between customs administrations ("the Convention") was signed at Brussels on 18 December 1997. It will enter into force 90 days after the notification of the completion of the constitutional procedures for the adoption of the Convention by the State, Member of the European Union at the time of adoption by the Council of the Act drawing up the Convention, which is last to complete that formality.
- (2) In accordance with Article 32(4) of the Convention, until the Convention enters into force, any Member State may, when giving the notification referred to in Article 32(2) of the Convention, or at any other later time, declare that as far as it is concerned the Convention shall apply to its relations with Member States that have made the same declaration.
- (3) Article 3(4) of the Act of Accession provides that Croatia is to accede to the conventions and protocols concluded between the Member States and listed in Annex 1 to the Act of Accession, which includes, inter alia, the Convention of 18 December 1997 on mutual assistance and cooperation between customs administrations. Those conventions and protocols are to enter into force in relation to Croatia on the date determined by the Council.
- (4) In accordance with Article 3(5) of the Act of Accession, the Council shall decide to make all adjustments required by reason of the accession to the Republic of Croatia to the conventions and protocols referred to in Article 3(4) of the Act of Accession. The Act of Accession does not require an adjustment of the Convention of 18 December 1997 on mutual assistance and cooperation between customs administrations,

³ OJ C [...], [...], p. [...].

⁴ Opinion of XX.XX.XXXX

HAS ADOPTED THIS DECISION:

Article 1

The Convention of 18 December 1997, drawn up on the basis of Article K.3 of the Treaty of the European Union, on mutual assistance and cooperation between customs administrations, shall enter into force in relation to Croatia on the date on which this Decision shall take effect.

Article 2

The Convention drawn up in the Croatian language ⁵ shall be authentic under the same conditions as the other texts of the Convention.

Article 3

This Decision shall take effect on the day following that of its publication in the Official Journal of the European Union.

Done at Brussels,

*For the Council
The President*

⁵ The Croatian version of the Convention shall be published in the special edition of the OJ at a later date.