



Brussels, 26.4.2016
COM(2016) 232 final

2016/0122 (NLE)

Proposal for a

COUNCIL DECISION

on the signing, on behalf of the European Union and its Member States, and provisional application of a Protocol to the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Arab Republic of Egypt, of the other part, to take account of the accession of the Republic of Croatia to the European Union

EXPLANATORY MEMORANDUM

The Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Arab Republic of Egypt, of the other part (hereinafter referred to as 'the Agreement'), was signed on 25 June 2001. The Agreement entered into force on 1 June 2004.

According to its Act of Accession, the Republic of Croatia undertakes to accede to the international agreements signed or concluded by the European Union and its Member States by means of a protocol to these agreements.

The attached proposal constitutes the legal instrument for the signing, and provisional application of the Protocol to the Agreement in order to take account of the accession of the Republic of Croatia to the European Union.

With regards to rules of origin, the EU and the Arab Republic of Egypt agreed, by Decision No 1/2015 of the EU-Egypt Association Council of 21 September 2015¹, that the new Protocol 4 to the Agreement will have to refer to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin, which lays down the rules of origin and provides for cumulation of origin between the European Union, Egypt and other Contracting Parties as of 1 February 2016. Therefore, the article 3 (Rules of Origin) of the Protocol annexed to this decision will only cover the period between the accession of the Republic of Croatia to the EU and the entry into force of Decision No 1/2015.

By its Decision of 14 September 2012², the Council authorised the Commission to open negotiations with the third countries concerned, in order to conclude the relevant protocols. The negotiations with the Arab Republic of Egypt were successfully concluded on 29 October 2015.

The proposed Protocol incorporates the Republic of Croatia as a contracting party to the Agreement and commits the Union to providing an authentic version of the Agreement in Croatian.

The Commission judges the results of the negotiations to be satisfactory and requests the Council to adopt the attached Decision on the signing and provisional application of the Protocol.

¹ OJ L334, 22.12.2015, p.62.

² Council Decision authorising the opening of negotiations for the adaptation of agreements signed or concluded between the European Union, or the European Union and its Member States, with one or more third countries or international organisations, in view of the accession of the Republic of Croatia to the European Union (Council document 13351/12 LIMITED).

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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 217, 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 Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Arab Republic of Egypt, of the other part³ ('the Agreement'), was signed on 25 June 2001. The Agreement entered into force on 1 June 2004.
- (2) The Republic of Croatia became a Member State of the European Union on 1 July 2013.
- (3) In accordance with Article 6(2) of the Act of Accession of the Republic of Croatia, the accession of the Republic of Croatia to the Agreement is to be agreed by means of a protocol to the Agreement ('the Protocol'). A simplified procedure is to apply to such accession, whereby a protocol is to be concluded between the Council, acting unanimously on behalf of the Member States, and the third country concerned.
- (4) On 14 September 2012, the Council authorised the Commission to open negotiations with the third countries concerned in view of the accession of the Republic of Croatia to the Union. The negotiations with the Arab Republic of Egypt were successfully concluded with the initialling of the Protocol in Brussels on 29 October 2015.
- (5) Therefore, the Protocol should be signed on behalf of the Union and its Member States, subject to its conclusion at a later date.
- (6) The Protocol should be applied provisionally pending the date of its entry into force, in accordance with Article 8(3) thereof,

³ OJ L 304 of 30.9.2004, p. 39

HAS ADOPTED THIS DECISION:

Article 1

The signing on behalf of the Union and its Member States of the Protocol to the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Arab Republic of Egypt, of the other part to take account of the accession of the Republic of Croatia to the European Union, is approved on behalf of the Union and its Member States, subject to the conclusion of the said Protocol.

The text of the Protocol is attached to this Decision.

Article 2

The Council General Secretariat shall establish the instrument of full powers to sign the Protocol, subject to its conclusion, for the person(s) designated by the negotiator of the Protocol.

Article 3

The Protocol shall be applied provisionally, with effect from 1 July 2013, in accordance with Article 8(3) thereof, pending its entry into force.

Article 4

This Decision shall enter into force on

Done at Brussels,

For the Council
The President