



Brussels, 20.2.2017
COM(2017) 81 final

2017/0032 (NLE)

Proposal for a

COUNCIL DECISION

on the signing, on behalf of the European Union and its Member States, and provisional application of the Protocol to the Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Iraq, 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

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

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 those agreements.

The Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Iraq, of the other part, was signed on 11 May 2012. It is presently undergoing ratification.

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 attached proposal constitutes the legal instrument for the signing and provisional application of the Protocol.

The negotiations on the Protocol with the Republic of Iraq were formally concluded with the initialling of the text on 24 August 2016. The Commission judges the results of the negotiations to be satisfactory and requests that the Council adopt the attached Decision on the signing and provisional application of the Protocol.

- **Consistency with existing policy provisions in the policy area**

By its Decision of 14 September 2012¹, the Council authorised the Commission to open negotiations with the third countries concerned, in order to conclude the relevant protocols.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

Articles 207 and 209 of the Treaty on the Functioning of the European Union, in conjunction with Article 218(5) thereof, and Article 6(2) of the Act of Accession of the Republic of Croatia.

3. OTHER ELEMENTS

A separate proposal on the conclusion of this Agreement is also being submitted.

¹ 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 Articles 207 and 209, 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 Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Iraq, of the other part, was signed on 11 May 2012, and is presently undergoing ratification.
- (2) 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.
- (3) 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 Republic of Iraq were successfully concluded with the initialling of the Protocol on 24 August 2016.
- (4) The Republic of Croatia became a Member State of the Union on 1 July 2013.
- (5) Article 5(3) of the Protocol provides for its provisional application pending its entry into force.
- (6) The Protocol should be signed on behalf of the Union and its Member States, subject to its conclusion at a later date, and should be applied provisionally pending the date of its entry into force.

HAS ADOPTED THIS DECISION:

Article 1

The signing on behalf of the Union and its Member States of the Protocol to the Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Iraq, 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 in accordance with Article 5(3) thereof, with effect from 1 July 2013, pending its entry into force.

Article 4

This Decision shall enter into force on

Done at Brussels,

*For the Council
The President*