



COMMISSION OF THE EUROPEAN COMMUNITIES

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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 People's Republic of China, of the other part, to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Hungary, the Republic of Latvia, the Republic of Lithuania, the Republic of Malta, the Republic of Poland, the Republic of Slovenia, and the Slovak Republic to the European Union

(presented by the Commission)

EXPLANATORY MEMORANDUM

Ten new Member States acceded to the European Union on 1 May 2004. Under Article 6(2) of the Act concerning the Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustment of the Treaties on which the European Union is founded (hereinafter ‘the Act of Accession’), the accession of the new Member States to the Agreement on maritime transport between the European Community and its Member States and the People’s Republic of China signed in Brussels on 6 December 2002 shall be agreed by the conclusion of a Protocol amending this Agreement. Article 6(2) provides for a simplified procedure, as this Protocol is to be concluded by the Council of the European Union, acting unanimously on behalf of the Member States, and China.

Consequently, the Commission has negotiated this Protocol on behalf of the European Community and its Member States on the basis of negotiation directives adopted by the Council on 21 June 2004, and in consultation with a committee of the representatives of the Member States. The draft Protocol was initialled by the Commission and the Chinese representatives in Brussels on 24 September 2004.

The Protocol provides for the necessary technical and linguistic adaptations of the Agreement that ensue from the accession of the ten new contracting parties.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular its Articles 71, first paragraph and 80 in connection with Article 300, second and third paragraph;

Having regard to the Act concerning the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union, and in particular Article 6(2);

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament;

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, was signed in Brussels on 6 December 2002;
- (2) the Treaty concerning the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union (hereinafter referred to as "the Treaty of Accession")¹, was signed in Athens on 16 April 2003 and entered into force on 1 May 2004;
- (3) a Protocol amending the Agreement on Maritime Transport is necessary to take account of the accession of the ten new Member States;

¹ OJ L 236, 23.9.2003

- (4) the Commission was authorised by the Council on 21 June 2004 to negotiate this Protocol with China;
- (5) the Protocol was negotiated with China and initialled by both sides on 24 September 2004;
- (6) the Protocol should therefore be approved;

HAS DECIDED AS FOLLOWS:

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 Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Hungary, the Republic of Latvia, the Republic of Lithuania, the Republic of Malta, the Republic of Poland, the Republic of Slovenia, and the Slovak Republic to the European Union, is hereby adopted in the name of the European Community and its Member States.

Article 2

The notification provided for in Article 3 of the Agreement shall be done by the Commission.

The text of the Protocol is attached to this Decision.

Done at Brussels,

For the Council
The President

ANNEX

DRAFT

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

THE KINGDOM OF BELGIUM,
THE CZECH REPUBLIC,
THE KINGDOM OF DENMARK,
THE FEDERAL REPUBLIC OF GERMANY,
REPUBLIC OF ESTONIA,
THE HELLENIC REPUBLIC,
THE KINGDOM OF SPAIN,
THE FRENCH REPUBLIC,
IRELAND,
THE ITALIAN REPUBLIC,
REPUBLIC OF CYPRUS,
REPUBLIC OF LATVIA,
REPUBLIC OF LITHUANIA,
THE GRAND DUCHY OF LUXEMBOURG,
REPUBLIC OF HUNGARY,
REPUBLIC OF MALTA,
THE KINGDOM OF THE NETHERLANDS,
THE REPUBLIC OF AUSTRIA,
REPUBLIC OF POLAND,
THE PORTUGUESE REPUBLIC,
REPUBLIC OF SLOVENIA,
REPUBLIC OF SLOVAKIA,
THE REPUBLIC OF FINLAND,
THE KINGDOM OF SWEDEN,
THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
hereinafter referred to as the “Member States”, and
THE EUROPEAN COMMUNITY,

Hereinafter referred to as “the Community”,
represented by the Council of the European Union

of the one part, and

THE GOVERNMENT OF THE PEOPLE’S REPUBLIC OF CHINA,

Hereinafter referred to as “China”,

of the other part,

HAVING REGARD TO the accession of the Czech Republic, Republic of Estonia, Republic of Cyprus, Republic of Latvia, Republic of Lithuania, Republic of Hungary, Republic of Malta, Republic of Poland, Republic of Slovenia and Republic of Slovakia to the European Union and thereby to the Community on 1 May 2004,

HAVE AGREED AS FOLLOWS:

Article 1

The Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic shall be Parties 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, signed in Brussels on 6 December 2002, (hereinafter called “the Agreement”).

Article 2

The texts of the Agreement in the Czech, Estonian, Latvian, Lithuanian, Hungarian, Maltese, Polish, Slovenian and Slovakian languages, which are attached to this Protocol shall become authentic under the same conditions as the other language versions drawn up in accordance with Art.14 of this Agreement.

Article 3

This Protocol shall be approved by the contracting parties in accordance with their own procedures. It shall enter into force on the same day the Agreement enters into force. Should however this Protocol be approved by the contracting parties on a later date than the entry into force of the Agreement, then the Protocol shall enter into force on the date on which parties have notified each other on the accomplishment of the internal procedures for approval.

Article 4

This Protocol is drawn up at Brussels, on this day of in the year 2004, in duplicate, in the Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish Portuguese, Slovene, Slovak, Spanish, Swedish and Chinese languages, each of these texts being equally authentic.

FOR THE MEMBER STATES

FOR THE EUROPEAN COMMUNITY

FOR THE GOVERNMENT OF THE
PEOPLE'S REPUBLIC OF CHINA

The President