

Proposal for a Council Decision on the consequences of the expiry of the European Coal and Steel Community (ECSC) Treaty on the international agreements concluded by the ECSC

(2003/C 20 E/07)

COM(2002) 330 final — 2002/0127(ACC)

(Submitted by the Commission on 20 June 2002)

EXPLANATORY MEMORANDUM

The Treaty establishing the European Coal and Steel Community (ECSC) will expire on 23 July 2002. The ECSC has concluded a number of international bilateral agreements that do not provide for the eventuality of the expiry of the ECSC Treaty. Furthermore, the subject matter covered by the ECSC Treaty will, upon its expiry, be covered by the EC Treaty.

It is in the interest of the European Community that those agreements continue. It is therefore necessary that the rights and obligations flowing from these international agreements be transferred to the EC. The attached draft Council Decision foresees such a transfer and charges the Commission to inform all interested third countries and to undertake all necessary technical amendments. In parallel to this Council Decision, there will be a Decision taken by the Representatives of the Governments of the Member States meeting within the Council devolving on the EC all rights and obligations entered into by the ECSC in bilateral international agreements.

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) By virtue of Article 97 thereof, the ECSC Treaty will expire on 23 July 2002.
- (2) A number of international agreements with third countries have been concluded by the ECSC.
- (3) Those agreements do not provide for the eventuality of the expiry of the ECSC Treaty.
- (4) The subject matter covered by the ECSC Treaty will, upon its expiry, be covered by the EC Treaty, including Article 133 thereof.
- (5) The Representatives of the Governments of the Member States, meeting within the Council, have decided that the European Community (EC) should succeed to the rights and obligations flowing from the international agreements concluded by the ECSC.
- (6) It is considered that it is in the interests of the EC to continue those international treaties beyond the expiry of the ECSC Treaty and that they should devolve on the EC.

- (7) Some of these treaties may require technical amendments in order to make them compatible with EC rules.

- (8) It will be necessary to inform the third countries concerned accordingly,

HAS DECIDED AS FOLLOWS:

Article 1

As from 24 July 2002, the European Community (EC) shall succeed to the rights and obligations flowing from the international agreements concluded by the European Coal and Steel Community (ECSC) with third countries.

Article 2

The Commission shall inform the third countries concerned about the succession of the EC to the ECSC's rights and obligations flowing from the agreements concerned. It shall furthermore undertake all necessary technical amendments in order to make the agreements compatible with EC rules, and shall, where appropriate, negotiate amendments to the agreements.

Article 3

This Decision shall enter into force on the day following the day of its publication in the *Official Journal of the European Communities*.

This Decision shall apply as from 24 July 2002.