

II

(Acts whose publication is not obligatory)

COUNCIL AND COMMISSION

COUNCIL AND COMMISSION DECISION

of 13 December 2004

concerning the conclusion of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Croatia, of the other part

(2005/40/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 310 in conjunction with Article 300(2), first subparagraph, last sentence and Article 300(3), second subparagraph thereof ⁽¹⁾,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular the second paragraph of Article 101 thereof,

Having regard to the proposal from the Commission ⁽²⁾,

Having regard to the assent of the European Parliament ⁽³⁾,

Having regard to the approval of the Council granted pursuant to Article 101 of the Treaty establishing the European Atomic Energy Community,

Whereas:

(1) The Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Croatia, of the other part, has been signed on behalf of the European Community, in Luxembourg on 29 October 2001, subject to its possible conclusion at a later date.

⁽¹⁾ The European Community has taken over all rights and obligations of the European Coal and Steel Community, following the latter's expiry on 23 July 2002 (OJ L 194, 23.7.2002, p. 35 and 36).

⁽²⁾ OJ C 332 E, 27.11.2001, p. 2.

⁽³⁾ OJ C 177 E, 25.7.2002, p. 122.

(2) The commercial provisions contained in this Agreement are of an exceptional nature, connected with the policy implemented within the framework of the stabilisation and association process and will not constitute, for the European Union, any precedent in the commercial policy of the Community with regard to third countries other than those of the Western Balkans.

(3) The provisions of this Agreement that fall within the scope of Part III, Title IV of the Treaty establishing the European Community bind the United Kingdom and Ireland as separate Contracting Parties, and not as part of the European Community, until the United Kingdom or Ireland (as the case may be) notifies the Republic of Croatia that it has become bound as part of the European Community in accordance with the Protocol on the position of the United Kingdom and Ireland annexed to the Treaty on European Union and the Treaty establishing the European Community. The same applies to Denmark, in accordance with the Protocol annexed to those Treaties on the position of Denmark.

(4) The Agreement should be approved,

HAVE DECIDED AS FOLLOWS:

Article 1

1. The Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Croatia, of the other part, the Annexes and Protocols annexed thereto and the declarations attached to the Final Act are hereby approved on behalf of the European Community and the European Atomic Energy Community.

2. The texts referred to in paragraph 1 are attached to this Decision.

Article 2

1. The position to be taken by the Community within the Stabilisation and Association Council and within the Stabilisation and Association Committee when the latter is empowered to act by the Stabilisation and Association Council shall be determined by the Council, on a proposal by the Commission, or, where appropriate, by the Commission, each in accordance with the corresponding provisions of the Treaties.

2. The President of the Council shall, in accordance with Article 111 of the Stabilisation and Association Agreement, preside over the Stabilisation and Association Council. A representative of the Commission shall preside over the Stabilisation and Association Committee, in accordance with the Rules of Procedure thereof.

3. The decision to publish the decisions of the Stabilisation and Association Council and the Stabilisation and Association Committee in the *Official Journal of the European Union* shall be taken on a case-by-case basis by the Council and the Commission respectively.

Article 3

The President of the Council is hereby authorised to designate the person(s) empowered, on behalf of the European Community, to deposit the act of notification provided for in Article 127 of the Agreement. The President of the Commission shall deposit the said act of notification on behalf of the European Atomic Energy Community.

Done at Brussels, 13 December 2004

For the Council

The President

B. R. BOT

For the Commission

The President

J. M. BARROSO