



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 21.6.2007
COM(2007) 351 final

2007/0120 (ACC)

Proposal for a

COUNCIL DECISION

concerning the signing and conclusion of the Interim Agreement on trade and trade-related matters between the European Community, of the one part, and the Republic of Montenegro, of the other part

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. The attached Proposal for a Council Decision constitutes the legal instrument for the signing and conclusion of the Interim Agreement between the European Community, on the one part, and the Republic of Montenegro, hereinafter called Montenegro, on the other part.¹
2. In accordance with the negotiating directives adopted by the Council on 24 July 2006 the Commission concluded on 15 March 2007 the negotiations for a Stabilisation and Association Agreement (SAA) with Montenegro. The Commission is proposing the signature of the SAA to the Council in parallel, but the SAA only enters into force after ratification by Montenegro, the Community and the Member States.
4. Pending the ratification of the SAA, the Commission, in accordance with the negotiating directives and Article 139 of the SAA itself, is proposing to conclude an Interim Agreement to allow the trade and trade-related provisions of the SAA to enter into force as soon as possible following SAA signature. The Commission has negotiated the text of an Interim Agreement with Montenegro, initialling it on 28 February 2006.
5. The more favourable trade concessions granted by Council Regulation (EC) No 2007/2000 of 18 September 2000, introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process, amending Regulation (EC) No 2820/98, and repealing Regulations (EC) No 1763/1999 and (EC) No 6/2000², will continue to apply, in parallel to the Interim Agreement.
6. The Commission asks the Council to approve the results of the negotiations, and to sign and conclude the Interim Agreement on behalf of the European Community on the basis of the attached proposal.

¹ The conclusion of the Interim Agreement is conditional on the signature of the Stabilisation and Association Agreement, which is planned to take place in Brussels in the second or third quarter of 2007. In order to ensure that the Interim Agreement enters into force as soon as possible, the two procedures have been launched in parallel.

² OJ L 240, 23.9.2000, p. 1. Regulation as last amended by Regulation (EC) No 1946/2005 (OJ, L 312, 29.11.2005, p.1).

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 in conjunction with Article 300 (2), first subparagraph, and Article 300 (3), first sentence thereof,

Having regard to the proposal from the Commission

Whereas

- (1) Pending the entry into force of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part, signed in Brussels on [...] 2007, it is necessary to approve the Interim Agreement on trade and trade-related matters between the European Community, of the one part, and the Republic of Montenegro, of the other part.
- (2) The commercial provisions contained in the 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) this Agreement should therefore be signed and approved,

HAS DECIDED AS FOLLOWS:

Article 1

1. The Interim Agreement on trade and trade-related matters between the European Community, of the one part, and the Republic of Montenegro, of the other part, the Annexes and Protocols annexed thereto, as well as the joint declarations and the declaration by the European Community attached to the Final Act are hereby approved on behalf of the Community.
2. The texts referred to in paragraph 1 are attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered, on behalf of the Community, to sign the Agreement and deposit the instrument of approval provided for in Article 60 of the Agreement.

Done at Brussels,

*For the Council
The President*