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2016/0055 (NLE)

Proposal for a

**COUNCIL DECISION**

**on the conclusion, on behalf of the European Union and its Member States, of the Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Tajikistan, of the other part, to take account of the accession of the Republic of Croatia to the European Union**

## **EXPLANATORY MEMORANDUM**

The attached proposal constitutes the legal instrument for the conclusion of a Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Tajikistan, of the other part, to take account of the accession of the Republic of Croatia to the European Union (hereinafter referred to as 'the Protocol').

According to its Act of Accession, Croatia shall 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 establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Tajikistan, of the other part, hereinafter referred to as 'the Agreement', was signed in Brussels on 11 October 2004 and entered into force on 1<sup>st</sup> October 2010.

Following the Council Decision of .... 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 establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Tajikistan, of the other part, to take account of the accession of the Republic of Croatia to the European Union, the Protocol was signed in... on .....

The proposed Protocol incorporates the Republic of Croatia as contracting party to the Agreement and commits the EU to providing the authentic version of the Agreement in the Croatian language.

The Commission requests the Council to conclude, on behalf of the European Union and its Member States, the Protocol.

The European Parliament will be called upon to give its consent to the Protocol.

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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(6)(a) 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,

Having regard to the consent of the European Parliament;

Whereas

- (1) In accordance with Council Decision No.../.../EU<sup>1</sup>, the Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Tajikistan, of the other part, to take account of the accession of the Republic of Croatia to the European Union ('the Protocol') has been signed, subject to its conclusion.
- (2) The conclusion of the Protocol is subject to a separate procedure as regards matters falling within the competence of the European Atomic Energy Community.
- (3) The Protocol should be approved,

HAS ADOPTED THIS DECISION:

### *Article 1*

The Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Tajikistan, of the other part, to take account of the accession of the Republic of Croatia to the European Union is hereby approved on behalf of the European Union and its Member States<sup>2</sup>.

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<sup>1</sup> Council Decision No .../.../EU of .... 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 establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Tajikistan, of the other part, to take account of the accession of the Republic of Croatia to the European Union (OJ L...)

<sup>2</sup> The text of the Protocol has been published in the [OJ L....] together with the Decision on signature.

*Article 2*

The President of the Council shall designate the person empowered to give, on behalf of the European Union and its Member States, the notification provided for in Article 4(1) of the Protocol.

*Article 3*

This Decision shall enter into force on the day of its adoption.

Done at Brussels,

*For the Council*

*The President*