



Brussels, 17.2.2014  
COM(2014) 92 final

2014/0049 (NLE)

Proposal for a

**COUNCIL DECISION**

**on the signing, on behalf of the European Union and its Member States, and provisional application of an Additional Protocol to the Agreement between the European Economic Community and the Kingdom of Norway, to take account of the accession of the Republic of Croatia to the European Union**

## EXPLANATORY MEMORANDUM

The Agreement between the European Economic Community and the Kingdom of Norway, hereinafter referred to as ‘the Agreement’, was signed on 14 May 1973 in Brussels and entered into force on 1 July 1973.

The attached proposal creates the legal instrument for the signature and provisional application of an Additional Protocol to the Agreement between the European Economic Community and the Kingdom of Norway, to take account of the accession of the Republic of Croatia to the European Union (hereinafter referred to as ‘the Additional Protocol’).

According to the Act of Accession of the Republic of Croatia, 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.

On 24 September 2012<sup>1</sup>, the Council authorised the Commission to open negotiations with the third countries concerned to conclude the relevant protocols. Negotiations with Norway were conducted in the framework of the negotiations for the adaptation of the Agreement on the European Economic Area and the Agreement between the Kingdom of Norway and the European Union on a Norwegian Financial Mechanism for the period 2009-2014, in view of the enlargement of the European Union to include Croatia<sup>2</sup>, and were successfully concluded by the initialling of the Additional Protocol.

The proposed Additional Protocol makes the Republic of Croatia a contracting party to the Agreement and commits the EU to providing an authentic version of the Agreement in the new official language of the EU. It also provides for additional fish trade concessions for Norway, given Croatia’s accession to the European Economic Area.

In accordance with Article 4 of the Additional Protocol and pending the completion of the relevant procedures for its formal conclusion and entry into force, the provisional application of the Protocol should begin as of the first day of the third month following the deposit of the last notification of the Parties to this effect.

The Commission has judged the results of the negotiations to be satisfactory and asks the Council to adopt the attached decision on the signature and provisional application of the Additional Protocol.

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<sup>1</sup> Council decision authorising the opening of negotiations for the adaptation of agreements signed or concluded between the European Union, or the European Union and its Member States, with one or more third countries or international organisations, in view of the accession of the Republic of Croatia to the European Union (Council doc. 13351/12 LIMITED).

<sup>2</sup> Council decision authorising the Commission to open negotiations for the adaptation of the Agreement on the European Economic Area and the Agreement between the Kingdom of Norway and the European Union on a Norwegian Financial Mechanism for the period 2009-2014, in view of the enlargement of the European Union to Croatia (Council doc. 12865/12 LIMITED).

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## COUNCIL DECISION

**on the signing, on behalf of the European Union and its Member States, and provisional application of an Additional Protocol to the Agreement between the European Economic Community and the Kingdom of Norway, to take account of the accession of the Republic of Croatia to the European Union**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207 in conjunction with Article 218(5) and the second subparagraph of Article 218(8) thereof,

Having regard to the Act on the conditions of accession of the Republic of Croatia annexed to the Treaty of Accession, and in particular Article 6(2) thereof,

Having regard to the proposal from the Commission<sup>3</sup>,

Whereas:

- (1) On 24 September 2012 the Council authorised the Commission to open negotiations, on behalf of the Union and its Member States and the Republic of Croatia, with Norway to conclude a Protocol to the Agreement between the European Economic Community and the Kingdom of Norway, to take account of the accession of the Republic of Croatia to the European Union.
- (2) These negotiations have been successfully completed and, subject to its possible conclusion at a later date, the Additional Protocol should be signed on behalf of the European Union and the Member States.
- (3) The Additional Protocol should be applied on a provisional basis with effect from the first day of the third month following the deposit of the last notification by the Parties to this effect,

HAS ADOPTED THIS DECISION:

### *Article 1*

The signing of the Additional Protocol to the Agreement between the European Economic Community and the Kingdom of Norway, to take account of the accession of the Republic of Croatia to the European Union (the 'Additional Protocol') is hereby approved on behalf of the Union and the Member States, subject to the conclusion of the Additional Protocol.

The text of the Additional Protocol is attached to this Decision.

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<sup>3</sup> OJ C [...], [...], p.[...].

*Article 2*

The Council General Secretariat shall establish the instrument of full powers to sign the Additional Protocol, subject to its conclusion, for the person(s) indicated by the negotiator of the Protocol.

*Article 3*

Subject to its conclusion at a later date and pending its entry into force, the Additional Protocol shall be applied on a provisional basis from the first day of the third month following the deposit of the last notification to this effect, in accordance with Article 4 of the Protocol.

Done at Brussels,

*For the Council  
The President*