EC/Serbia Stabilisation and Association Agreement: procedures for applying the Agreement and the Interim Agreement

2011/0465(COD) - 10/01/2012 - Legislative proposal

PURPOSE: provide for certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Serbia, of the other part, and for applying the Interim Agreement between these same parties.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

BACKGROUND: a Stabilisation and Association Agreement (SAA) between the European Communities and their Member States, of the one part, and the Republic of Serbia, of the other part, was signed in Luxemburg on 29 April 2008. It will enter into force when the Parties notify each other that their respective ratification procedures have been completed.

The Interim Agreement (IA) between the same parties, signed on the same date to allow the early application of trade and trade-related provisions of the Stabilisation and Association Agreement (SAA), entered into force on 1 February 2010.

With the aim of the correct and smooth application of the IA, an Implementing Regulation is proposed, to lay down rules and procedures for the adoption of detailed rules for the implementation of certain provisions of these Agreements, as has been done for previous SAAs and Interim Agreements.

IMPACT ASSESSMENT: no impact assessment was undertaken.

LEGAL BASIS: Article 207 of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: the aim of this proposal is to lay down rules for the implementation of certain provisions of the Interim Agreement, as well as the procedures for the adoption of detailed rules of implementation. Since the trade and trade-related provisions of these instruments are to a very large extent identical, this Regulation should also apply to the implementation of the SAA after its entry into force.

Scope of the application measures: the SAA and the IA stipulate that **certain agricultural and fishery products originating in Serbia** may be imported into the Union at a reduced customs duty, within the limits of tariff quotas. This proposal lays down provisions regulating the management of these tariff quotas.

Implementation powers: in order to ensure uniform conditions for the implementation of the Interim Agreement and the SAA, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council. Given that the implementing measures form part of the common commercial policy, the examination procedure should be used for their adoption. In certain circumstances defined in the proposal, the Commission should adopt immediately such implementing acts.

Other technical provisions relating to the implementation of trade defence measures:

Where trade defence measures become necessary, they should be adopted in accordance with Council Regulation (EC) No 260/2009 on the common rules for imports, Council Regulation (EC) No 1061/2009 establishing common rules for exports, Council Regulation (EC) No 1225/2009 on protection against dumped imports from countries not members of the European Community or, as the case may be, Council Regulation (EC) No 597/2009 on protection against subsidised imports from countries not members of the European Community.

Notification of fraud and failure to provide administrative cooperation: where a Member State provides information to the Commission on a possible fraud or failure to provide administrative cooperation, the relevant community legislation shall apply, in particular Council Regulation (EC) No 515 /97 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters.

BUDGETARY IMPACT: the proposal has no impact on the EU's budget.