Basic information

2013/0273(NLE) NLE - Non-legislative enactments Decision	Awaiting committee decision
EC/San Marino Cooperation and Customs Union Agreement: participation of Croatia following its accession to the EU. Protocol See also 1991/1261(CNS) **Subject** 6.20.03 Bilateral economic and trade agreements and relations 6.40.05.01 Relations with Southern European countries **Geographical area** San Marino	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
INTA International Trade		

Former committee responsible	Former rapporteur	Appointed
INTA International Trade		
INTA International Trade		
INTA International Trade		

Former committee for opinion	Former rapporteur for opinion	Appointed
AFET Foreign Affairs		
AFET Foreign Affairs	The committee decided not to give an opinion.	
AFET Foreign Affairs		

Former committee for opinion on the legal basis	Former rapporteur for opinion	Appointed

JURI Legal Affairs		
JURI Legal Affairs	The committee decided not to give an opinion.	
JURI Legal Affairs		

Council of the European Union

Council configuration	Meetings	Date
Justice and Home Affairs (JHA)	3260	2013-10-07

European Commission

Commission DG	Commissioner
European External Action Service	ASHTON Catherine

Key events

Date	Event	Reference	Summary
02/08/2013	Preparatory document	COM(2013)0568	Summary
25/10/2013	Legislative proposal published	13694/2013	Summary
09/12/2013	Committee referral announced in Parliament		
20/10/2014	Resumption of business from the previous parliamentary term		
21/04/2015	Modified legislative proposal published	COM(2015)0168	Summary
21/10/2019	Resumption of business from the previous parliamentary term		
13/11/2024	Resumption of business from the previous parliamentary term		

Technical information

Procedure reference	2013/0273(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision
Amendments and repeals	See also 1991/1261(CNS)
Legal basis	Treaty on the Functioning of the European Union TFEU 207 Treaty on the Functioning of the European Union TFEU 352-p1sub1 Treaty on the Functioning of the European Union TFEU 212 Treaty on the Functioning of the European Union TFEU 218-p8-a2 Treaty on the Functioning of the European Union TFEU 079-p2 Treaty on the Functioning of the European Union TFEU 218-p6a

Stage reached in procedure	Awaiting committee decision
Committee dossier	INTA/10/00041

Documentation gateway			
Council of the EU			
Document type	**Reference**	**Date**	**Summary**
Document attached to the procedure	13696/2013	24/09/2013	
Legislative proposal	13694/2013	25/10/2013	Summary
European Commission			
Document type	**Reference**	**Date**	**Summary**
Preparatory document	COM(2013)0568	02/08/2013	Summary
Modified legislative proposal	COM(2015)0168	21/04/2015	Summary

Additional information		
Source	**Document**	**Date**
National parliaments	IPEX	
European Commission	EUR-Lex	

EC/San Marino Cooperation and Customs Union Agreement: participation of Croatia following its accession to the EU. Protocol

2013/0273(NLE) - 02/08/2013

PURPOSE: to conclude a Protocol to the Agreement on Cooperation and Customs Union between the European Community and its Member States, of the one part, and the Republic of San Marino, of the other part, regarding the participation, as a contracting party, of Croatia, following its accession to the European Union.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: the Agreement on Cooperation and Customs Union between the European Community and its Member States, of the one part, and the Republic of San Marino, of the other part, of 16 December 1991, entered into force on 1 April 2002.

On 14 September 2012, the Council authorised the Commission to negotiate the adaptation, through a Protocol, of the Agreement on Cooperation and Customs Union between the European Community and its Member States, of the one part, and the Republic of San Marino, of the other part, regarding Croatia's participation as a contracting party, in view of the enlargement of the Union to include Croatia as of 1 July 2013.

The proposal consists of a draft Council Decision on the conclusion of the said Protocol.

IMPACT ASSESSMENT: no impact assessment was undertaken.

LEGAL BASIS: Article 207 and Article 352, in conjunction with Article 218(6)(a) and the second subparagraph of Article 218(8) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: under this proposal, the Protocol to the Agreement on Cooperation and Customs Union between the European Community and its Member States, of the one part, and San Marino, of the other part, regarding Croatia's participation, as a contracting party, following its accession to the European Union, is hereby approved on behalf of the European Union and its Member States.

The text of the Protocol is attached to this Decision.

BUDGETARY IMPLICATION: this proposal has no implications for the EU budget.

EC/San Marino Cooperation and Customs Union Agreement: participation of Croatia following its accession to the EU. Protocol

2013/0273(NLE) - 25/10/2013 - Legislative proposal

PURPOSE: to conclude a Protocol to the Agreement on Cooperation and Customs Union between the European Community and its Member States, of the one part, and the Republic of San Marino, of the other part, regarding the participation, as a contracting party, of Croatia, following its accession to the European Union.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: the Agreement on Cooperation and Customs Union between the European Community and its Member States, of the one part, and the Republic of San Marino, of the other part, of 16 December 1991, entered into force on 1 April 2002.

On 14 September 2012, the Council authorised the Commission to open negotiations for the adaptation, through the negotiation of a Protocol, of the Agreement regarding Croatia's participation as a contracting party, in view of its accession to the European Union on 1 July 2013.

It is now necessary to conclude the Protocol on behalf of the European Union.

CONTENT: this proposed Decision calls on the Council to conclude, on behalf of the European Union, the Protocol to the Agreement on Cooperation and Customs Union between the European Community and its Member States, of the one part, and San Marino, of the other part, regarding the participation, as a contracting party, of Croatia, following its accession to the European Union.

For details as regards other essential elements to this Agreement, please refer to the summary of the *Commission’s initial legislative proposal dated 02 /08/2013*.

The Protocol shall apply on a provisional basis from 1 July 2013, date of accession of Croatia to the EU.

EC/San Marino Cooperation and Customs Union Agreement: participation of Croatia following its accession to the EU. Protocol

2013/0273(NLE) - 02/08/2013 - Preparatory document

PURPOSE: to conclude a Protocol to the Agreement on Cooperation and Customs Union between the European Community and its Member States, of the one part, and the Republic of San Marino, of the other part, regarding the participation, as a contracting party, of Croatia, following its accession to the European Union.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: the Agreement on Cooperation and Customs Union between the European Community and its Member States, of the one part, and the Republic of San Marino, of the other part, of 16 December 1991, entered into force on 1 April 2002.

On 14 September 2012, the Council authorised the Commission to negotiate the adaptation, through a Protocol, of the Agreement on Cooperation and Customs Union between the European Community and its Member States, of the one part, and the Republic of San Marino, of the other part, regarding Croatia's participation as a contracting party, in view of the enlargement of the Union to include Croatia as of 1 July 2013.

The proposal consists of a draft Council Decision on the conclusion of the said Protocol.

IMPACT ASSESSMENT: no impact assessment was undertaken.

LEGAL BASIS: Article 207 and Article 352, in conjunction with Article 218(6)(a) and the second subparagraph of Article 218(8) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: under this proposal, the Protocol to the Agreement on Cooperation and Customs Union between the European Community and its Member States, of the one part, and San Marino, of the other part, regarding Croatia's participation, as a contracting party, following its accession to the European Union, is hereby approved on behalf of the European Union and its Member States.

The text of the Protocol is attached to this Decision.

BUDGETARY IMPLICATION: this proposal has no implications for the EU budget.

EC/San Marino Cooperation and Customs Union Agreement: participation of Croatia following its accession to the EU. Protocol

2013/0273(NLE) - 21/04/2015 - Modified legislative proposal

The Commission proposed an amended proposal for a Council Decision seeking to conclude a Protocol of the Agreement on Cooperation and Customs Union between the European Community and its Member States, of the one part, and San Marino, of the other part, regarding Croatia's participation in this Agreement.

This amended proposal seeks mainly to **take account of the accession of Croatia to the European Union on 1 July 2013**.

Background to the proposal: on 14 September 2012, the Council authorised the Commission to negotiate the adaptation, through a Protocol, of the Agreement on Cooperation and Customs Union between the European Community and its Member States, of the one part, and the Republic of San Marino, of the other part, regarding Croatia's participation as a contracting party, in view of the enlargement of the Union to include the latter Croatia as a contracting party in view of its accession to the EU.

Meanwhile, Croatia became a member of the European Union and legal changes have proved necessary to take account of this accession. Thus, the Council adopted the Decision on the signature of the Protocol on 7 October 2013. The Protocol was duly signed on 29 October 2013 and on 2 August 2013, it was forwarded to the European Parliament for its consent.

On 23 April 2014, the President of the European Parliament wrote to the President-in-Office of the Council **requesting a revision of the legal basis for the Council Decision**.

Modification of the legal basis: the legal basis in the Commission's original proposal for a Council Decision on the conclusion of the Protocol was Articles 207 and 352, in conjunction with Article 218(6)(a) and the second subparagraph of Article 218(8), of the TFEU. The European Parliament concluded that **Article 212 TFEU**, rather than Article 352, was the appropriate substantive legal basis, as it relates specifically to the economic cooperation with third countries other than developing countries. Accordingly, the Parliament asked the Council to revise the legal basis in its Decision.

The proposal has been amended in line with the Parliament's request.

The Commission agrees with the Parliament that Article 207 TFEU is the appropriate substantive legal basis for Title I of the Agreement, on 'Customs union', and that Article 212 TFEU is the appropriate substantive legal basis for Title II, on 'Cooperation'.

However, the Agreement also has a Title III on 'Social provisions'. The Commission considers that the appropriate substantive legal basis for Title III is **Article 79(2)(b) TFEU, on the rights of third country nationals under the Union's immigration policy**, as there is no agreement between the EU and San Marino providing for the free movement of their nationals.

In this respect, Denmark, Ireland and the United Kingdom are bound vis-à-vis San Marino by the provisions of the Agreement, including Title III. As a consequence, Ireland and the United Kingdom should take part in the adoption of the present Decision. Denmark, Ireland and the United Kingdom are in any event to remain bound vis-à-vis San Marino on the basis of the Agreement, as extended through the Protocol to Croatia.

The remainder of the proposal is identical to the initial proposal (*please refer to the summary of the Commission's initial legislative proposal dated 02/08/2013*).