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2009/0184 (NLE)

Proposal for a

COUNCIL AND COMMISSION DECISION

establishing the position to be adopted in the EU – Montenegro Stabilisation and Association Council on its Rules of Procedure

EXPLANATORY MEMORANDUM

The Stabilisation and Association Agreement between the European Communities and their Member States and Montenegro, is expected to enter into force during the first trimester of 2010, following the completion of its ratification by all Member States.

The Stabilisation and Association Council established by Article 119 of the said Agreement supervises the implementation of the Agreement and examines any major issues arising within its framework and any other bilateral or international issues of mutual interest.

As provided in Article 120 of the Stabilisation and Association Agreement, the Stabilisation and Association Council shall establish its rules of procedure. In conformity with Article 122 of the Agreement, these rules of procedure determine the duties of the Stabilisation and Association Committee, which shall assist the Stabilisation and Association Council in the performance of its duties.

As laid down by Article 2(1) of Council and Commission Decision of…….on the conclusion of the Stabilisation and Association Agreement, the position to be taken in the Stabilisation and Association Council will be established by decision of the Council, acting on a proposal from the Commission, or, where appropriate, by the Commission.

For the information of the Council, the rules of procedure for the relevant sub-Committees are provided in Annex III to the rules of procedure of the Stabilisation and Association Council.

The Council is therefore invited to approve the attached proposal for a Decision on the European Union and Euratom position concerning a Decision of the EU-Montenegro Stabilisation and Association Council on its rules of procedure.

2009/0184 (NLE)

Proposal for a

COUNCIL AND COMMISSION DECISION

establishing the position to be adopted in the EU – Montenegro Stabilisation and Association Council on its rules of procedure

THE COUNCIL OF THE EUROPEAN UNION,

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the functioning of the European Union,

Having regard to the Treaty establishing the European Atomic Energy Community (Euratom),

Having regard to Council and Commission Decision of ……..on the conclusion of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro (hereinafter referred to as "Montenegro"), of the other part, and in particular Article 2(1) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) Article 119 of the Stabilisation and Association Agreement establishes a Stabilisation and Association Council.

(2) Article 120 of said Agreement provides that the Stabilisation and Association Council shall adopt its own rules of procedures.

(3) Article 122 of said Agreement provides that the Stabilisation and Association Council shall be assisted by a Stabilisation and Association Committee.

(4) Article 122 of said Agreement provides that the Stabilisation and Association Council shall, in its rules of procedure, determine the duties of the Stabilisation and Association Committee and that the Stabilisation and Association Council may delegate any of its powers to the Stabilisation and Association Committee,

HAVE DECIDED AS FOLLOWS:

Sole Article

The position to be adopted by the European Union and the Euratom, within the Stabilisation and Association Council established by Article 119 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, in relation to the rules of procedures of said Stabilisation and Association Council and to the delegation of its powers to the Stabilisation and Association Committee referred to in Article 122 of the said Agreement, shall be based on the draft Decision of the Stabilisation and Association Council, annexed to this Decision. Minor amendments to this draft Decision may be accepted without further decision by the Council and the Commission.

Done at Brussels,

For the Commission *For the Council*

ANNEX I

Decision No 1 of the EU – Montenegro Stabilisation and Association Council of [*date*] adopting its rules of procedure

THE STABILISATION AND ASSOCIATION COUNCIL,

Having regard to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro (hereinafter referred to as "Montenegro"), of the other part, and in particular Articles 119 and 120 thereof,

Whereas that Agreement entered into force on ……,

HAS DECIDED AS FOLLOWS:

Article 1

Chairmanship

The Stabilisation and Association Council shall be presided over alternately for periods of 12 months by a representative of the Council of the European Union, on behalf of the EU and its Member States, and by a representative of the Government of Montenegro. The first period shall begin on the date of the first Stabilisation and Association Council meeting and end on 31 December 2010.

Article 2

Meetings

The Stabilisation and Association Council shall meet at ministerial level once a year. Special sessions of the Stabilisation and Association Council may be held at the request of either Party, if the Parties so agree. Unless otherwise agreed by the Parties, each session of the Stabilisation and Association Council shall be held at the usual venue for meetings of the Council of the European Union at a date agreed by both Parties. Meetings of the Stabilisation and Association Council shall be jointly convened by the Secretaries of the Stabilisation and Association Council in agreement with the President.

Article 3

Representation

The members of the Stabilisation and Association Council may be represented if unable to attend. If a member wishes to be so represented, he must notify the President of the name of his representative before the meeting at which he is to be so represented. The representative of a member of the Stabilisation and Association Council shall exercise all the rights of that member.

Article 4

Delegations

The members of the Stabilisation and Association Council may be accompanied by officials. Before each meeting, the President shall be informed of the intended composition of the delegation of each Party. A representative of the European Investment Bank shall attend the meetings of the Stabilisation and Association Council, as an observer, when matters which concern the Bank appear on the agenda. The Stabilisation and Association Council may invite non-members to attend its meetings in order to provide information on particular subjects.

Article 5

Secretariat

An official of the General Secretariat of the Council of the European Union and an official of the Mission of Montenegro in Brussels shall act jointly as Secretaries of the Stabilisation and Association Council.

Article 6

Correspondence

Correspondence addressed to the Stabilisation and Association Council shall be sent to the President of the Stabilisation and Association Council at the address of the General Secretariat of the Council of the European Union.

The two Secretaries shall ensure that correspondence is forwarded to the President of the Stabilisation and Association Council and, where appropriate, circulated to other members of the Stabilisation and Association Council. Correspondence circulated shall be sent to the Secretariat-General of the Commission, the Permanent Representations of the Member States and the Mission of Montenegro in Brussels.

Communications from the President of the Stabilisation and Association Council shall be sent to the addressees by the two Secretaries and circulated, where appropriate, to the other members of the Stabilisation and Association Council at the addresses indicated in the preceding paragraph.

Article 7

Publicity

Unless otherwise decided, the meetings of the Stabilisation and Association Council shall not be public.

Article 8

Agendas for meetings

1. The President shall draw up a provisional agenda for each meeting. It shall be forwarded by the Secretaries of the Stabilisation and Association Council to the addressees referred to in Article 6 not later than 15 days before the beginning of the meeting. The provisional agenda shall include the items in respect of which the President has received a request for inclusion on the agenda not later than 21 days before the beginning of the meeting, although items shall not be written into the provisional agenda unless the supporting documentation has been forwarded to the Secretaries not later than the date of despatch of the agenda. The agenda shall be adopted by the Stabilisation and Association Council at the beginning of each meeting. An item other than those appearing on the provisional agenda may be placed on the agenda if the two Parties so agree.

2. The President may, in agreement with the two Parties, shorten the time limits specified in paragraph 1 in order to take account of the requirements of a particular case.

Article 9

Minutes

Draft minutes of each meeting shall be drawn up by the two Secretaries. The minutes shall, as a general rule, indicate in respect of each item on the agenda:

– the documentation submitted to the Stabilisation and Association Council,

– statements requested for entry by a member of the Stabilisation and Association Council,

– the decisions taken and recommendations made, the statements agreed upon and the conclusions adopted.

The draft minutes shall be submitted to the Stabilisation and Association Council for approval. When approved, the minutes shall be signed by the President and the two Secretaries. The minutes shall be filed in the archives of the General Secretariat of the Council of the European Union, which will act as depository of the documents of the Association. A certified copy shall be forwarded to each of the addressees referred to in Article 6.

Article 10

Decisions and recommendations

1. The Stabilisation and Association Council shall take its decisions and make recommendations by common agreement of the Parties. The Stabilisation and Association Council may take decisions or make recommendations by written procedure if both Parties so agree.

2. The decisions and recommendations of the Stabilisation and Association Council, within the meaning of Article 121 of the Stabilisation and Association Agreement, shall be entitled respectively "Decision" and "Recommendation" followed by a serial number, by the date of their adoption and by a description of their subject matter. The decisions and recommendations of the Stabilisation and Association Council shall be signed by the President and authenticated by the two Secretaries. Decisions and recommendations shall be forwarded to each of the addressees referred to in Article 6 above. Each Party may decide on the publication of decisions and recommendations of the Stabilisation and Association Council in its respective official publication.

Article 11

Languages

The official languages of the Stabilisation and Association Council shall be the official languages of the two Parties. Unless otherwise decided, the Stabilisation and Association Council shall base its deliberations on documentation drawn up in these languages.

Article 12

Expenses

The European Union and Montenegro shall each defray the expenses they incur by reason of their participation in the meetings of the Stabilisation and Association Council, both with regard to staff, travel and subsistence expenditure and to postal and telecommunications expenditure. Expenditure in connection with interpreting at meetings, translation and reproduction of documents shall be borne by the European Union, with the exception of expenditure in connection with interpreting or translation into or from the official language of Montenegro, which shall be borne by Montenegro. Other expenditure relating to the organisation of meetings shall be borne by the Party hosting the meetings.

Article 13

Stabilisation and Association Committee

1. A Stabilisation and Association Committee is hereby established in order to assist the Stabilisation and Association Council in carrying out its duties. It shall be composed of representatives of the Council of the European Union and of representatives of the European Commission, on the one hand, and of representatives of the Government of Montenegro, on the other, normally at senior civil servant level.

2. The Stabilisation and Association Committee shall prepare the meetings and the deliberations of the Stabilisation and Association Council, implement the decisions of the Stabilisation and Association Council where appropriate and, in general, ensure continuity of the association relationship and the proper functioning of the Stabilisation and Association Agreement. It shall consider any matter referred to it by the Stabilisation and Association Council as well as any other matter which may arise in the course of the day-to-day implementation of the Stabilisation and

Association Agreement. It shall submit proposals or any draft decisions/recommendations for adoption to the Stabilisation and Association Council.

3. In cases where the Stabilisation and Association Agreement refers to an obligation to consult or a possibility of consultation, such consultation may take place within the Stabilisation and Association Committee. The consultation may continue in the Stabilisation and Association Council if the two Parties so agree.

4. The rules of procedure of the Stabilisation and Association Committee are annexed to this Decision.

Done at

For the Stabilisation and Association Council
The Chairman

ANNEX II

Rules of Procedure of the Stabilisation and Association Committee

Article 1

Chairmanship

The Stabilisation and Association Committee shall be presided over alternately for periods of 12 months by a representative of the European Commission, on behalf of the European Union and its Member States, and by a representative of the Government of Montenegro. The first period shall begin on the date of the first Stabilisation and Association Council meeting and end on 31 December 2010.

Article 2

Meetings

The Stabilisation and Association Committee shall meet when circumstances require, with the agreement of both Parties. Each meeting of the Stabilisation and Association Committee shall be held at a time and place agreed by both Parties. Meetings of the Stabilisation and Association Committee shall be convened by the Chairman.

Article 3

Delegations

Before each meeting, the Chairman shall be informed of the intended composition of the delegation of each Party.

Article 4

Secretariat

An official of the European Commission and an official of the Montenegrin Government shall act jointly as Secretaries of the Stabilisation and Association Committee. All communications to and from the Chairman of the Stabilisation and Association Committee provided for in this Decision shall be forwarded to the Secretaries of the Stabilisation and Association Committee and to the Secretaries and the President of the Stabilisation and Association Council.

Article 5

Publicity

Unless otherwise decided, the meetings of the Stabilisation and Association Committee shall not be public.

Article 6

Agendas for meetings

1. The Chairman shall draw up a provisional agenda for each meeting. It shall be forwarded by the Secretaries of the Stabilisation and Association Committee to the addressees referred to in Article 4 not later than 15 days before the beginning of the meeting. The provisional agenda shall include the items in respect of which the Chairman has received a request for inclusion on the agenda not later than 21 days before the beginning of the meeting, although items shall not be written into the provisional agenda unless the supporting documentation has been forwarded to the Secretaries not later than the date of dispatch of the agenda. The Stabilisation and Association Committee may ask experts to attend its meetings in order to provide information on particular subjects. The agenda shall be adopted by the Stabilisation and Association Committee at the beginning of each meeting. An item other than those appearing on the provisional agenda may be placed on the agenda if the two Parties so agree.

2. The Chairman may, in agreement with the two Parties, shorten the time limits specified in paragraph 1 in order to take account of the requirements of a particular case.

Article 7

Minutes

Minutes shall be taken for each meeting and shall be based on a summing up by the Chairman of the conclusions arrived at by the Stabilisation and Association Committee. When approved by the Stabilisation and Association Committee, the minutes shall be signed by the Chairman and by the Secretaries and filed by each of the Parties. A copy of the minutes shall be forwarded to each of the addressees referred to in Article 4.

Article 8

Decisions and recommendations

In the specific cases where the Stabilisation and Association Committee is empowered by the Stabilisation and Association Council under Article 122 of the Stabilisation and Association Agreement to take decisions/make recommendations, these acts shall be entitled respectively "Decision" and "Recommendation", followed by a serial number, by the date of their adoption and by a description of their subject matter. Decisions and recommendations shall be made by common agreement between the Parties. The Stabilisation and Association Committee may take decisions or make recommendations by written procedure if both Parties so agree. The decisions and recommendations of the Stabilisation and Association Committee shall be signed by the President and authenticated by the two Secretaries and shall be forwarded to the addressees referred to in Article 4 of this Annex. Each Party may decide on the publication of the decisions and recommendations of this Stabilisation and Association Committee in its respective official publication.

Article 9

Expenses

The European Union and Montenegro shall each defray the expenses they incur by reason of their participation in the meetings of the Stabilisation and Association Committee, both with regard to staff, travel and subsistence expenditure and to postal and telecommunications expenditure. Expenditure in connection with interpreting at meetings, translation and reproduction of documents shall be borne by the European Union, with the exception of expenditure in connection with interpreting or translation into or from the official language of Montenegro, which shall be borne by Montenegro. Other expenditure relating to the organisation of meetings shall be borne by the Party hosting the meetings.

Article 10

Subcommittees and special groups

The Stabilisation and Association Committee may create subcommittees or special groups to work under the authority of the Stabilisation and Association Committee, to which they shall report after each of their meetings. The Stabilisation and Association Committee may decide to abolish any existing subcommittees or groups, lay down or modify their terms of reference or set up further subcommittees or groups to assist it in carrying out its duties. These subcommittees and groups shall not have any decision-making powers.

ANNEX III

for the information of the Council

DRAFT

Decision N° 1/2010

of the EU – Montenegro Stabilisation and Association Committee

of day month 2010

creating subcommittees

THE STABILISATION AND ASSOCIATION COMMITTEE,

Having regard to 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, and in particular Article 123 thereof,

Having regard to its rules of procedure, and in particular Article 10 thereof,

HAS DECIDED AS FOLLOWS:

Sole Article

The subcommittees listed in Annex I are hereby created. Their terms of reference are set out in Annex II.

Done at ……., on day month 2010.

For the Stabilisation and Association Committee

The Chairman

Annex I

EU – MONTENEGRO STABILISATION AND ASSOCIATION AGREEMENT

Multidisciplinary Subcommittee Structure

Title	Issues	SAA Article
1. Trade, Industry, Customs and Taxation[1]	Free Movement of Goods	Art. 18
	Industrial Products	Art. 19-23
	Commercial questions	Art. 34-48
	Standardisation, metrology, accreditation, certification, conformity assessment, and market surveillance	Art. 77
	Industrial co-operation	Art. 94
	SMEs	Art. 95
	Tourism	Art. 96
	Customs	Art. 99
	Taxation	Art. 100
	Rules of origin	Protocol 3
	Administrative assistance in customs matters	Protocol 6
2. Agriculture and Fisheries	Agricultural products sensu lato	Art. 24, 26(1), 27(1), 31, 32 and 35
	Agricultural products sensu stricto	Art. 26(2)(3) and 27(2)
	Fisheries products	Art. 29 and 30
	Processed agricultural products	Art. 25, Protocol 1
	Wine	Art. 28 and Protocol 2
	Protection of geographical indications for agricultural and fishery products and foodstuffs other than wine and spirits	Art. 33

[1] For the purposes of implementing Protocol 1 on iron and steel products this sub-committee shall convene as the "Contact Group on Iron and Steel products".

	Agriculture and the agro-industrial sector, veterinary and phytosanitary matters	Art. 97
	Fisheries co-operation	Art. 98
	Food safety	
3. Internal Market and Competition	Right of establishment	Art. 52-58
	Supply of services	Art. 59-61
	Other questions related to Title V of the SAA	Art. 65-71
	Approximation of legislation and law enforcement	Art. 72
	Competition	Art. 73-74, Protocol 5
	Intellectual, industrial and commercial property	Art. 75
	Public procurement	Art. 76
	Banking, insurance and other financial services	Art. 91
	Consumer protection	Art. 78
	Public health	
4. Economic and financial issues and statistics	Capital movements and payments	Art. 62-64
	Economic policy	Art. 89
	Statistical co-operation	Art. 90
	Investment promotion and protection	Art. 93
	Financial co-operation	Art. 115-118
	Audit and financial control	Art. 92
5. Justice, freedom and security	Judiciary and fundamental rights	
	Police and judicial co-operation	
	Rule of law	Art. 80
	Data protection	Art. 81
	Visa, border control, asylum and migration	Art. 82

	Illegal immigration and readmission	Art. 83
	Money laundering	Art. 84
	Drugs	Art. 85
	Counter terrorism	Art. 87
	Crime and other illegal activities	Art. 86
6. Innovation, information society, and social policy	Movement of workers	Art. 49-51
	Working conditions and equal opportunities	Art. 79
	Social co-operation	Art. 101
	Education and training	Art. 102
	Cultural co-operation	Art. 103
	Information and communication	Art. 107
	Co-operation in the audio-visual field	Art. 104
	Electronic communications networks and services	Art. 106
	Information society	Art. 105
	Research and technological development	Art. 112
7. Transport, energy, environment, and regional development[2]	Transport	Art. 55, 61, 108 and Protocol 4
	Energy	Art. 109
	Nuclear safety	Art. 110
	Environment	Art. 111
	Regional and local development	113

[2] For the purposes of implementing Protocol 6 to the SAA, this sub-committee shall act as the special sub-committee mentioned in Article 20 of this Protocol.

Annex II

Terms of Reference of the EU – Montenegro Subcommittees

3. Composition and Chair

The subcommittees shall be composed of representatives of the European Commission and representatives of the government of Montenegro. They shall be co-chaired by the two parties. The Member States will be informed and invited to the subcommittee meetings.

4. Secretariat

An official of the European Commission and an official of the government of Montenegro shall act jointly as secretaries of each of the subcommittees.

All communications concerning the subcommittees shall be forwarded to the secretaries of the relevant subcommittee.

5. Meetings

The subcommittees shall meet whenever circumstances require, with the agreement of both Parties. Each meeting of a subcommittee shall be held at a time and place agreed by both Parties.

If both Parties agree, the subcommittees may invite experts to their meetings to provide the specific information requested.

6. Subject matters

The subcommittees shall discuss issues related to the areas of the SAA as listed in the multidisciplinary subcommittee structure. Implementation of the European Partnership and progress regarding the approximation, implementation and enforcement of legislation shall be assessed under all subject matters. The subcommittees shall examine any problems that may arise in their relevant sectors and shall suggest possible steps to be taken.

The subcommittees shall also serve as fora for the further clarification of the *acquis* and shall review progress made by Montenegro in conforming to the *acquis* in line with commitments taken under the SAA.

7. Minutes

Minutes shall be taken for and agreed after each meeting. A copy of the minutes shall be forwarded by the secretary of the subcommittee to the Secretary of the Stabilisation and Association Committee.

8. Publicity

Unless otherwise decided, the meetings of the subcommittees shall not be public.