



# Procedure file

Basic information	
NLE - Non-legislative enactments Decision	2007/0123(NLE) Procedure completed
EC/Montenegro Stabilisation and Association Agreement See also <a href="#">2013/0262(NLE)</a> See also <a href="#">2014/0190(COD)</a>	
Subject 6.40.03 Relations with South-East Europe and the Balkans	
Geographical area Montenegro, from 06/2006	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>AFET</b> Foreign Affairs		20/03/2007
		PPE-DE <a href="#">VERNOLA Marcello</a>	
	Committee for opinion	Rapporteur for opinion	Appointed
	<b>INTA</b> International Trade	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">Agriculture and Fisheries</a>	<a href="#">3006</a>	29/03/2010
	<a href="#">Economic and Financial Affairs ECOFIN</a>	<a href="#">2828</a>	13/11/2007
	<a href="#">General Affairs</a>	<a href="#">2824</a>	15/10/2007
European Commission	Commission DG <a href="#">Neighbourhood and Enlargement Negotiations</a>	Commissioner FÜLE Štefan	

Key events			
21/06/2007	Preparatory document	<a href="#">COM(2007)0350</a>	Summary
21/09/2007	Legislative proposal published	<a href="#">11568/2007</a>	Summary
20/11/2007	Vote in committee		Summary
10/12/2007	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A6-0498/2007</a>	
11/12/2007	Committee referral announced in Parliament		
12/12/2007	Debate in Parliament		
13/12/2007	Results of vote in Parliament		

13/12/2007	Decision by Parliament	<a href="#">T6-0617/2007</a>	Summary
02/12/2009	Additional information		Summary
29/03/2010	Act adopted by Council after consultation of Parliament		
29/03/2010	End of procedure in Parliament		
29/04/2010	Final act published in Official Journal		

### Technical information

Procedure reference	2007/0123(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision
	See also <a href="#">2013/0262(NLE)</a> See also <a href="#">2014/0190(COD)</a>
Legal basis	Treaty on the Functioning of the EU TFEU 218-p6a; Treaty on the Functioning of the EU TFEU 217
Stage reached in procedure	Procedure completed
Committee dossier	AFET/6/50836

### Documentation gateway

Preparatory document	<a href="#">COM(2007)0350</a>	21/06/2007	EC	Summary
Committee draft report	<a href="#">PE394.076</a>	18/09/2007	EP	
Legislative proposal	<a href="#">11568/2007</a>	21/09/2007	CSL	Summary
Document attached to the procedure	<a href="#">11566/2007</a>	27/09/2007	CSL	
Committee report tabled for plenary, 1st reading/single reading	<a href="#">A6-0498/2007</a>	10/12/2007	EP	
Text adopted by Parliament, 1st reading/single reading	<a href="#">T6-0617/2007</a>	13/12/2007	EP	Summary
Commission response to text adopted in plenary	<a href="#">SP(2008)0411</a>	23/01/2008	EC	

### Additional information

National parliaments	<a href="#">IPEX</a>
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### Final act

[Decision 2010/224](#)  
[OJ L 108 29.04.2010, p. 0001](#) Summary

## EC/Montenegro Stabilisation and Association Agreement

PURPOSE: to conclude the Stabilisation and Association Agreement (SAA) between the EC and their Member States, of the one part, and Montenegro, of the other part.

PROPOSED ACT: Council Decision.

CONTENT: The Commission presents two proposals, which constitute the legal instruments for the signature and the conclusion of the SAA: (i) proposal for a Council Decision for the signature of the Agreement; (ii) proposal for a Council and Commission Decision for the conclusion of the Agreement.

Having concluded from the Commission's Feasibility Report of April 2005 that Serbia and Montenegro were sufficiently prepared to negotiate an SAA, the Council decided to authorise the Commission to negotiate an agreement. The negotiations were launched on 10 October 2005. Following a referendum in May 2006, the Montenegrin Parliament adopted a Declaration of Independence and Montenegro withdrew from the State Union of Serbia and Montenegro. Consequently, new Negotiating Directives for Montenegro were adopted and the SAA was initialled on 15 March 2007.

The Stabilisation and Association Agreement focuses on the following main elements:

- provision for political dialogue with Montenegro;
- provisions on enhanced regional co-operation, including the perspective of establishing free trade areas between the countries of the region;
- the perspective of the establishment of a free-trade area between the Community and Montenegro within five years of the entry into force of the Agreement;
- provisions on the movement of workers, freedom of establishment, supply of services, current payments and movement of capital;
- the commitment by Montenegro to approximate its legislation to that of the EC, notably in key areas of the internal market;
- provisions on co-operation with Montenegro in a wide range of fields, including justice, freedom and security.
- provision for the establishment of a Stabilisation and Association Council which supervises the implementation of the Agreement, of a Stabilisation and Association Committee and a Stabilisation and Association Parliamentary Committee.

The SAA states that respect for international law principles, including full co-operation with the International Criminal Tribunal for the former Yugoslavia (ICTY) will constitute essential elements of this Agreement.

The Commission asks the Council to give its final approval to the text of the SAA and to engage the procedures for the signature and conclusion of this Agreement.

These procedures are different for the two European Communities (the European Community and the European Atomic Energy Community):

a) as regards signature, the EC Treaty provides for a separate Council Decision concerning the signing of the Agreement on behalf of the European Community; similar acts are not required under the EAEC Treaty;

b) as regards conclusion of the Agreement:

- the Council concludes the Agreement on behalf of the European Community, after having received the assent of the European Parliament, by virtue of Article 310 of the Treaty;

- the Council approves the Agreement on behalf of the European Atomic Energy Community by virtue of the second paragraph of Article 101 of the EAEC Treaty and the Agreement is then concluded by the Commission.

## EC/Montenegro Stabilisation and Association Agreement

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This text constitutes the final act in which the Council decides to approve, on behalf of the European Community and its Member States, the Stabilisation and Association Agreement (SAA) between the EC and their Member States, of the one part, and Montenegro, of the other part. (See Council document 11566/07).

## EC/Montenegro Stabilisation and Association Agreement

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The Committee on Foreign Affairs unanimously adopted the report by Marcello VERNOLA (EPP-ED, IT) recommending the European Parliament to give its assent to 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, of the other part.

## EC/Montenegro Stabilisation and Association Agreement

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The European Parliament adopted a legislative resolution drafted by Marcello VERNOLA (EPP-ED, IT) and gave its assent to 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, of the other part.

## EC/Montenegro Stabilisation and Association Agreement

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The Lisbon Treaty, which entered into force on 1 December 2009, amended the EU's two core treaties, the Treaty on European Union (TEU) and the Treaty establishing the European Community (EC Treaty). The latter was renamed the Treaty on the Functioning of the European Union (TFEU).

These changes had various consequences for many ongoing procedures. First of all, the articles of the TEU and of the old EC Treaty that constitute the legal basis of all the proposals founded on those Treaties were renumbered in accordance with the table of equivalences mentioned in Article 5 of the Lisbon Treaty.

In addition, some proposals underwent a change to their legal basis going beyond a mere change to their numbering, and this resulted in

changes to the type of procedure.

The Lisbon Treaty also introduced new concepts of decision-making procedure. The old "codecision procedure" was extended to new areas and renamed the "ordinary legislative procedure". A new "consent procedure" replaced the old "assent procedure". New interinstitutional procedures were also set up for the adoption of certain non-legislative acts, for example the conclusion of some international agreements.

The ongoing proposals concerned by these changes were formally modified by the Commission in a Communication published on 2 December 2009 ([COM\(2009\)0665](#)).

In the case of the proposal for a Council and Commission Decision 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, of the other part, the entry into force of the Lisbon Treaty had the following impacts:

- the old legal basis ? Treaty/EC/Art.300(2) first para and (3) second para, Art 310 ? became Art 217, Art 218 (6)(a) of the TFEU. Please note that the numbering of the old legal basis corresponds to the consolidated version of the Treaty that was applicable immediately before the entry into force of the Lisbon Treaty, and may differ from the references in the original Commission proposal;
- the proposal, which had previously fallen under the old assent procedure (AVC), was classified as an interinstitutional non-legislative procedure (NLE).

## EC/Montenegro Stabilisation and Association Agreement

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**PURPOSE:** to conclude a Stabilisation and Association Agreement (SAA) with Montenegro.

**LEGISLATIVE ACT:** Council and Commission Decision (2010/224/Euratom) 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, of the other part.

**CONTENT:** under this Decision, 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, the Annexes and Protocols annexed thereto, as well as the joint declarations and the declaration by the Community attached to the Final Act, are hereby approved on behalf of the European Union and the European Atomic Energy Community.

**Lisbon Treaty:** it should be noted that as a consequence of the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union has replaced and succeeded the European Community and from that date exercises all rights and assumes all obligations of the European Community. Therefore, references to ?the European Community? in the text of the Agreement are, where appropriate, to be read as ?the European Union.?

**Main points of the Agreement:** the Agreement aims to strengthen cooperation and to stimulate the integration process of Montenegro with the European structures.

The Stabilisation and Association Agreement focuses on the following main elements:

- provision for political dialogue with Montenegro;
- provisions on enhanced regional co-operation, including the perspective of establishing free trade areas between the countries of the region;
- the perspective of the establishment of a free-trade area between the Community and Montenegro within five years of the entry into force of the Agreement;
- provisions on the movement of workers, freedom of establishment, supply of services, current payments and movement of capital;
- the commitment by Montenegro to approximate its legislation to that of the EC, notably in key areas of the internal market;
- provisions on co-operation with Montenegro in a wide range of fields, including justice, freedom and security.
- provision for the establishment of a Stabilisation and Association Council which supervises the implementation of the Agreement, of a Stabilisation and Association Committee and a Stabilisation and Association Parliamentary Committee.

Amongst the general principles on which the Agreement is based, on notes in particular:

- a safeguard clause;
- a clause relating to the implementation of international obligations, notably the full cooperation with ICTY;
- a specific clause as regards international and regional peace and stability, the development of good neighbourly relations, human rights and the respect and protection of minorities;
- a clause on the fight against the proliferation of weapons of mass destruction and their means of delivery constitutes an essential element of this Agreement;
- a clause concerning the movement of persons, goods, capital and services as well as the development of projects of common interest, notably those related to border management and combating organised crime, corruption, money laundering, illegal migration and trafficking, including in particular in human beings, small arms and light weapons, as well as illicit drugs.
- a specific clause stating the importance of the fight against terrorism and the implementation of international obligations in this area.

The Agreement makes reference to the European Union?s readiness to integrate Montenegro to the fullest possible extent into the political and economic mainstream of Europe and its status as a potential candidate for EU membership and fulfilment of the classic Copenhagen criteria as well as to the successful implementation of this Agreement, notably regarding regional cooperation.

**ENTRY INTO FORCE:** pending the completion of the procedures necessary for the entry into force of this Agreement, the provisions of certain parts of this Agreement, in particular those relating to the free movement of goods as well as the relevant provisions on transport, are put into effect by means of Interim Agreements between the Community and Montenegro.