Procedure file

Basic information

NLE - Non-legislative enactments Decision	2008/0073(NLE)	Procedure completed
EU/Bosnia and Herzegovina Stabilisation and Association Agreement See also 2014/0206(COD) See also 2016/0311(NLE) Subject 6.20.03 Bilateral economic and trade agreements and relations 6.40.03 Relations with South-East Europe and the Balkans Geographical area Bosnia and Herzegovina		

Key players

European Parliament	Committee responsible	Rapporteur	Appointed
	AFET Foreign Affairs	PPE-DE PACK Doris	19/10/2005
	Committee for opinion	Rapporteur for opinion	Appointed
	INTA International Trade	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	General Affairs	2878	16/06/2008
	General Affairs	2864	29/04/2008
European Commission	Commission DG	Commissioner	
	Neighbourhood and Enlargement Negotiations	FÜLE Štefan	

Key events

08/04/2008	Preparatory document	COM(2008)0182	Summary
29/04/2008	Resolution/conclusions adopted by Council		
06/06/2008	Legislative proposal published	08225/2008	Summary
08/07/2008	Committee referral announced in Parliament		
07/10/2008	Vote in committee		Summary
09/10/2008	Committee report tabled for plenary, 1st reading/single reading	A6-0378/2008	
22/10/2008	Debate in Parliament		

23/10/2008	Results of vote in Parliament		
23/10/2008	Decision by Parliament	T6-0518/2008	Summary
02/12/2009	Additional information		Summary
15/06/2015	Act adopted by Council after consultation of Parliament		
15/06/2015	End of procedure in Parliament		
30/06/2015	Final act published in Official Journal		

Technical information

Procedure reference	2008/0073(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision
	See also 2014/0206(COD) See also 2016/0311(NLE)
Legal basis	Treaty on the Functioning of the EU TFEU 217
Stage reached in procedure	Procedure completed
Committee dossier	AFET/6/61780

Documentation gateway

Preparatory document		COM(2008)0182	08/04/2008	EC	Summary
Legislative proposal		08225/2008	06/06/2008	CSL	Summary
Document attached to the procedure		08226/2008	06/06/2008	CSL	Summary
Committee draft report		PE409.689	24/07/2008	EP	
Committee report tabled for plenary, 1st reading/single reading		A6-0378/2008	09/10/2008	EP	
Text adopted by Parliament, 1st reading/single reading		T6-0518/2008	23/10/2008	EP	Summary
Commission response to text adopted in plenary		SP(2008)6664	12/11/2008	EC	

Additional information

National parliaments	IPEX

Final act

Decision 2015/998
OJ L 164 30.06.2015, p. 0548 Summary

EU/Bosnia and Herzegovina Stabilisation and Association Agreement

PURPOSE: to conclude a Stabilisation and Association Agreement (SAA) with Bosnia and Herzegovina.

PROPOSED ACT: Council Decision.

POLITICAL BACKGROUND: the Council decided on 21 November 2005 to authorise the Commission to negotiate the SAA with Bosnia and Herzegovina. Negotiations were officially launched on 25 November 2005. After several years of negotiations, the final SAA text became available in May 2007. Lastly, Bosnia and Herzegovina's improved co-operation with the ICTY and progress in the last quarter of 2007 towards the implementation of the police reform enabled the Commission to initial the Stabilisation and Association Agreement in Sarajevo on 4 December 2007.

The final decision to sign the SAA remains subject to the joint review foreseen in the Council conclusions of 21 November 2005 and the Joint Council/Commission Declaration:

- on police reform,
- ICTY cooperation,
- legislative framework and administrative capacity development,
- public broadcasting legislation.

The present proposal does not prejudge the assessment of Bosnia and Herzegovina's compliance with its obligations in this regard.

At the adoption of the negotiating Directives in November 2005, the Commission and the Council jointly declared that before negotiations on the SAA are concluded:

1) the Commission will report on the political conditionalities to the Council and that
2) the Council and the Commission will jointly review progress made by Bosnia and Herzegovina.

Consequently, the Commission will, in due time and in line with the Joint Declaration, report to the Council and will jointly review progress with the Council before the final decision can be taken to sign the SAA with Bosnia and Herzegovina.

CONTENT: the draft Stabilisation and Association Agreement is presented along the same lines as the Agreements already concluded or proposed with Croatia (see AVC/2001/0149), the former Yugoslav Republic of Macedonia (see AVC/2001/0049), Albania (see AVC/2006/0044), Montenegro (see AVC/2007/0123) and more recently Serbia (see AVC/2007/0255).

The draft Agreement aims to open the way for increased cooperation and stimulate the integration process of this country in the European structures.

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

- provision for political dialogue with Bosnia and Herzegovina;
- provisions on enhanced regional co-operation, including provisions on free trade areas between the countries of the region;
- the perspective of the establishment of a free-trade area between the Community and Bosnia and Herzegovina 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 Bosnia and Herzegovina to approximate its legislation to that of the EC, notably in key areas of the internal market;
- provisions on co-operation with Bosnia and Herzegovina 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 trade concessions granted by Council Regulation (EC) No 2007/2000 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process, amending Regulation (EC) No 2820/98, and repealing Regulations (EC) No 1763/1999 and (EC) No 6/2000 will continue to apply, in parallel to the Stabilisation and Association Agreement.

The proposed decision which aims to conclude the Agreement on behalf of the Community stipulates that ?the commercial provisions contained in this Agreement are of an exceptional nature, connected with the policy implemented within the framework of the Stabilisation and Association Process and will not constitute, for the European Union, any precedent in the commercial policy of the Community with regard to third countries other than those of the Western Balkans?.

Ratification by all Member States is a prerequisite for the entry into force of the Agreement as is the assent of the European Parliament.

The procedures for the signature and the conclusion of the Agreement are different for the two European Communities: (the European Community and the European Atomic Energy Community):

a) as regards signature, the first indent, first sentence of Article 300 (2) of 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.

EU/Bosnia and Herzegovina Stabilisation and Association Agreement

This document consists of the final act of the Agreement as was negotiated between the European Union and Bosnia Herzegovina with a view to establishing a Stabilisation and Association Agreement with this country.

For details on this Agreement please refer to the summary of the former Commission?s initial proposal of 08/04/2008.

EU/Bosnia and Herzegovina Stabilisation and Association Agreement

This document consists of the final act by whic the COuncil decided to approve on behalf of the European Community and its Member States, the Stabilisation and Association Agreement (SAA) with Bosnia and Herzegovina (see Council doc. 08226/2008 or the final act of the SAA).

The provisions set out in this Agreement are identical to those in the initial proposal (please refer to the summary of the former initial proposal).

EU/Bosnia and Herzegovina Stabilisation and Association Agreement

The Committee on Foreign Affairs adopted a report drafted by Doris PACK (EPP-ED, DE) and unanimously recommended that Parliament give its assent to 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 Bosnia and Herzegovina, of the other part.

EU/Bosnia and Herzegovina Stabilisation and Association Agreement

The European Parliament adopted, by 567 votes to 21 with 5 abstentions, a legislative resolution in which it gives its assent to the conclusion of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part.

The report had been tabled for consideration in plenary by Doris PACK (EPP-ED, DE) on behalf of the Committee on Foreign Affairs.

EU/Bosnia and Herzegovina Stabilisation and Association Agreement

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 Bosnia and Herzegovina, 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, and 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).

EU/Bosnia and Herzegovina Stabilisation and Association Agreement

PURPOSE: to conclude a Stabilisation and Association Agreement (SAA) with Bosnia and Herzegovina.

NON-LEGISLATIVE ACT: Council and Commission Decision (EU, Euratom) 2015/998 on the conclusion of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part.

BACKGROUND: the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina of the other part, was signed on 16 June 2008, subject to its conclusion at a later date.

Following the signature of the Agreement, Croatia acceded to the European Union on 1 July 2013. To reflect this, an adaptation of the Agreement in the form of a Protocol is required.

It is now necessary to approve the Agreement.

CONTENT: under this Decision, the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, 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.

Those texts are attached to this Decision.

Main objectives of the Agreement: the Agreement focuses on the following elements:

- supporting efforts to strengthen democracy and the rule of law;
- contribution to the political, economic and institutional stability in Bosnia and Herzegovina and in the region;
- provision for political dialogue with Bosnia and Herzegovina;
- provisions on enhanced regional co-operation, including provisions on free trade areas between the countries of the region;
- the perspective of the establishment of a free-trade area between the Community and Bosnia and Herzegovina 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 Bosnia and Herzegovina to approximate its legislation to that of the EC, notably in key areas of the internal market;
- provisions on co-operation with Bosnia and Herzegovina 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 trade concessions granted by Council Regulation (EC) No 2007/2000 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process, amending Regulation (EC) No 2820/98, and repealing Regulations (EC) No 1763/1999 and (EC) No 6/2000 will continue to apply, in parallel to the Stabilisation and Association Agreement.

N.B: the commercial provisions contained in the Agreement are of an exceptional nature, connected with the policy implemented within the framework of the stabilisation and association process, and will not constitute, for the European Union, any precedent in the commercial policy of the Union with regard to third countries other than those of the Western Balkans.

ENTRY INTO FORCE: the Decision shall enter into force on 21.4.2015. The Agreement shall enter into force on 1.6.2015.