

III. EXCHANGE OF LETTERS

between the European Union and the Republic of Croatia on an information and consultation procedure for the adoption of certain decisions and other measures to be taken during the period preceding accession

Letter No 1

Sir,

I have the honour to refer to the question concerning an information and consultation procedure for the adoption of certain decisions and other measures to be taken during the period preceding the accession of your country to the European Union which was raised in the framework of the accession negotiations.

I hereby confirm that the European Union is able to agree to such a procedure, in the terms set out in the Annex to this letter, which could be applied in respect of the Republic of Croatia as of the date on which the Accession Conference declares that the accession negotiations have been finally concluded.

I would be obliged if you could confirm that your Government is in agreement with the contents of this letter.

Yours faithfully,

ANNEX

Information and consultation procedure for the adoption of certain decisions and other measures to be taken during the period preceding accession**I.**

1. In order to ensure that the Republic of Croatia is kept adequately informed, any proposal, communication, recommendation or initiative which is intended to lead to the adoption of a legal act of the European Parliament and Council, the Council, or the European Council shall be brought to the knowledge of Croatia after being transmitted to the Council or the European Council.
2. Consultations shall take place pursuant to a reasoned request by Croatia, which shall set out expressly therein its interests as a future member of the Union and its observations.
3. Administrative decisions shall not, as a general rule, give rise to consultations.
4. Consultations shall take place within an Interim Committee composed of representatives of the Union and of Croatia. Save for a reasoned objection from the Union or Croatia, consultations may also take place in the form of an exchange of messages by electronic means, in particular in common foreign and security policy matters.
5. On the Union side, the members of the Interim Committee shall be the members of the Permanent Representatives Committee or persons designated by them for this purpose. Where appropriate, the members of the Interim Committee may be the members of the Political and Security Committee. The Commission shall be adequately represented.
6. The Interim Committee shall be assisted by a Secretariat, which shall be that of the Accession Conference, continued for this purpose.
7. Consultations shall take place as soon as the preparatory work carried out at Union level with a view to the adoption of the acts mentioned in paragraph 1 has produced common guidelines enabling such consultations to be usefully arranged.
8. If serious difficulties remain after consultations, the matter may be raised at ministerial level at the request of Croatia.
9. The above provisions shall apply *mutatis mutandis* to the decisions of the Board of Governors of the European Investment Bank.
10. The procedure laid down in the above paragraphs shall also apply to any decision to be taken by Croatia which might affect the commitments resulting from its position as a future member of the Union.

II.

11. The Union and Croatia shall take the necessary measures to ensure that the latter's accession to the agreements or conventions and protocols referred to in Articles 3(4), 6(2) and 6(5) of the Act concerning the conditions of accession of the Republic of Croatia and the adjustments to the Treaties on which the European Union is founded, hereinafter referred to as 'the Act of Accession', coincides so far as possible with the entry into force of the Treaty of Accession.
12. With regard to the negotiations with the co-contracting parties of the protocols referred to in the second subparagraph of Article 6(2) of the Act of Accession, the representatives of Croatia shall be associated with the work as observers, side by side with the representatives of the present Member States.
13. Certain non-preferential agreements concluded by the Union, which remain in force after the date of accession, may be the subject of adaptations or adjustments in order to take account of the enlargement of the Union. These adaptations or adjustments will be negotiated by the Union in association with the representatives of Croatia in accordance with the procedure referred to in paragraph 12.

III.

14. The institutions shall, in due course, draw up the texts referred to in Article 52 of the Act of Accession. To that end, Croatia shall provide the institutions with translations of those texts in a timely manner.
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Letter No 2

Sir,

I have the honour to acknowledge receipt of your letter which reads as follows:

I have the honour to refer to the question concerning an information and consultation procedure for the adoption of certain decisions and other measures to be taken during the period preceding the accession of your country to the European Union which was raised in the framework of the accession negotiations.

I hereby confirm that the European Union is able to agree to such a procedure, in the terms set out in the Annex to this letter, which could be applied in respect of the Republic of Croatia as of the date on which the Accession Conference declares that the accession negotiations have been finally concluded.

I would be obliged if you could confirm that your Government is in agreement with the contents of this letter.’.

I have the honour to confirm that my Government is in agreement with the contents of this letter.

Yours faithfully,
