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TO THE EUROPEAN UNION  
– CROATIA –**

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Subject: EUROPEAN UNION COMMON POSITION  
Chapter 35 - Other issues  
Item 3: Arrangements for the interim period

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## EUROPEAN UNION COMMON POSITION

### Chapter 35 – Other Issues

#### Item 3: Arrangements for the interim period

This position of the European Union is based on its general position for the Accession Conference with Croatia (CONF-HR 2/05), and is subject to the negotiating principles endorsed by the Conference (CONF-HR 5/05), in particular:

- any view expressed by either party on a chapter of the negotiations will in no way prejudice the position which may be taken on other chapters;
- agreements – even partial agreements - reached during the course of the negotiations on chapters to be examined successively may not be considered as final until an overall agreement has been established;

as well as to the requirements set out in points 13, 16 and 26 of the Negotiating Framework.

The EU underlines the importance for Croatia of compliance with the Stabilisation and Association Agreement as well as the Accession Partnership, which constitute basic elements of the enhanced pre-accession strategy.

The EU encourages Croatia to continue the process of alignment with the *acquis* and its effective implementation and enforcement, and in general to develop, already before accession, policies and instruments as close as possible to those of the EU.

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### **Item 3: Arrangements for the interim period**

The EU notes that the cut-off date for the *acquis* covered by the negotiations shall coincide with the date on which the Accession Conference declares that the accession negotiations have been finally concluded.

The EU also notes that arrangements for an information and consultation procedure for the adoption of certain decisions and other measures will need to be specified for the period between this cut-off date and actual accession. This procedure should be established on the basis of an exchange of letters as below.

For the period between the cut-off date referred to above and the date of accession, appropriate procedures will also need to be introduced in order to deal in a practical way with any duly substantiated requests from Croatia for derogations from acts of the institutions adopted after the cut-off date or with any adaptations, required by reason of accession, to acts of the institutions adopted prior to accession which have not been provided for in the Accession Treaty.

The EU furthermore notes that in order that Croatia can become familiar with the working methods of the different institutions and to be involved in the decision making process, an observer status should be foreseen. To this end, Croatia will be granted, for the period between signature of the Treaty of Accession and actual accession, active observer status in the Council and where appropriate its preparatory bodies, in committees presided over by the Commission as well as in other institutions, as appropriate.

## 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 Croatia as from the date of which the Accession Conference declares that the accession negotiations have been finally concluded.

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

Yours faithfully,

*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 Croatia as from the date of which the Accession Conference declares that the accession negotiations have been finally concluded.

I should 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,

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**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, hereinafter referred to as 'Croatia', is kept adequately informed, any proposal, communication, recommendation or initiative which is intended to lead to the adoption of legal acts 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 the 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 the exchange of messages by electronic means, in particular in the common foreign and security policy.
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 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 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 point 1 above 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 its 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 '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 Article [6(2), second subparagraph] 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 the preceding paragraph.

### III.

14. The institutions shall, in due course, draw up the texts referred to in Article [58] 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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Subject to Croatia's acceptance of the above considerations, the EU notes that, at this stage, the issue of the arrangements for the Interim period does not require further negotiations.

In view of all the above considerations, the EU will, if necessary, return to this chapter at an appropriate moment.