EXPLANATORY MEMORANDUM TO

THE EUROPEAN COMMUNITIES (DEFINITION OF TREATIES) (STABILISATION AND ASSOCIATION AGREEMENT) (REPUBLIC OF ALBANIA) ORDER 2007

2007 No.

1. This explanatory memorandum has been prepared by the Foreign and Commonwealth Office and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Description

This Order would declare that the Stabilisation and Association Agreement between the European Communities and their Member States and the Republic of Albania, signed on 12 June 2006, is to be regarded as a Community Treaty as defined in section 1(2) of the European Communities Act 1972. The provisions of section 2 of the European Communities Act 1972 (which provide for the general implementation of Community Treaties) would then apply in relation to the Agreement, and could be used for the implementation of its provisions.

3. Matters of special interest to the Joint Committee on Statutory Instruments

None.

4. Legislative Background

4.1 The Agreement is made by the European Communities and all its Member States, and must be ratified by each of those States as well as by the Communities and Albania before it can come into force. The Government intends, subject to the making of this Order, to ratify the Agreement on behalf of the United Kingdom.

4.2 The United Kingdom must be in a position to implement all the provisions of the Agreement before it can ratify it. The Order would provide the necessary powers, under section 2 of the European Communities Act 1972.

5. Territorial Extent and Application

This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

Geoff Hoon MP, Minister for Europe has made the following statement regarding Human Rights:

> "In my view the provisions of the draft European Communities (Definition of Treaties) (Stabilisation and Association Agreement between the European Communities and their Member States and the Republic of Albania) Order 2007 are compatible with the Convention rights."

7. Policy background

7.1 HMG strongly supports the Stabilisation and Association process. It will bring the countries of South-Eastern Europe closer to the EU, offering the prospect of EU membership if the criteria of the Copenhagen European Council and the Treaty of Amsterdam are met and regional co-operation satisfactorily established. It therefore offers a powerful incentive for change, and is an important way of building peace and stability in the region.

7.2 The Agreement, which is for an unlimited period, creates a regular political dialogue and includes a commitment to promote regional co-operation and good neighbourly relations with other countries of the region. It also provides for the establishment of a Free Trade Area for a transitional period lasting not more than 10 years, asymmetric trade preferences, assistance to support democratic, economic and institutional reforms and co-operation in the field of Justice and Home Affairs. Upon entry into force, the Agreement will replace the 1992 Agreement between the EEC and Albania on trade and commercial cooperation.

8. Impact

A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on UK business, charities or voluntary bodies.

9. Contact

James Ballantyne, Albania Desk Officer, Western Balkans Group, the Foreign and Commonwealth Office (Tel: 020 7008 3883 or email: James.Ballantyne@fco.gov.uk) can answer any queries regarding the instrument.