EXPLANATORY MEMORANDUM TO

THE EUROPEAN COMMUNITIES (DEFINITION OF TREATIES) (STABILISATION AND ASSOCIATION AGREEMENT) (REPUBLIC OF MONTENEGRO) ORDER 2009

2009 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. Purpose of the instrument

2.1 This Order would declare that the Stabilisation and Association Agreement between the European Communities and their Member States and the Republic of Montenegro "the Agreement" signed on 15th October 2007, 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

3.1 None.

4. Legislative Context

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 Montenegro 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

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

The Minister for Europe has made the following statement regarding Human Rights:

In my view the provisions of the European Communities (Definition of Treaties) (Stabilisation and Association Agreement) (Republic of Montenegro) Order 2009 are compatible with the Convention rights.

7. Policy background

7.1 HMG strongly supports the EU's Stabilisation and Association process with the countries of South-Eastern Europe. It will bring the countries of South-Eastern Europe closer to the EU, offering the prospect of eventual EU membership if the criteria for membership 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 after 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.

8. Consultation outcome

8.1 There has been no public consultation on this instrument.

9. Guidance

9.1 No guidance will be published.

10. Impact

10.1 An Impact Assessment has not been prepared for this instrument as it will have no impact on business, charities or voluntary bodies.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 Monitoring and review mechanisms are not applicable.

13. Contact

Linda Perry, Montenegro Desk Officer, Western Balkans Group, the Foreign and Commonwealth Office (Tel: 020 7008 3432 or email: Linda.Perry@fco.gov.uk) can answer any queries regarding the instrument.