COUNCIL AND COMMISSION DECISION

of 22 July 2013

on the conclusion of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Serbia, of the other part

(2013/490/EU, Euratom)

THE COUNCIL OF THE EUROPEAN UNION AND THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 217 in conjunction with Article 218(6)(a) and (8) thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular the second paragraph of Article 101 thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,

Having regard to the approval of the Council granted pursuant to Article 101 of the Treaty establishing the European Atomic Energy Community,

Whereas:

(1) The Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Serbia of the other part, (hereinafter referred to as 'the Agreement'), was signed on behalf of the European Community, in Luxembourg on 29 April 2008, subject to its conclusion at a later date.

(2) 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, a precedent in the commercial policy of the Union with regard to third countries other than those of the Western Balkans.

(3) As a consequence of the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union has replaced and succeeded the European Community.

(4) The Agreement should be approved,

HAVE ADOPTED THIS DECISION:

Article 1

The Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Serbia, 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.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council shall, on behalf of the Union, make the following notification:

'As a consequence of the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union has replaced and succeeded the European Community and from that date exercises all rights and assumes all obligations of the European Community. Therefore, references to 'the European Community' in the text of the Agreement are, where appropriate, to be read as 'the European Unon'.'.

Article 3

1. The position to be taken by the Union or by the European Atomic Energy Community within the Stabilisation and Association Council and within the Stabilisation and Association Committee when the latter is empowered to act by the Stabilisation and Association Council shall be determined by the Council, on a proposal from the Commission, or, where appropriate, by the Commission, each in accordance with the corresponding provisions of the Treaties.

2. The President of the Council shall, in accordance with Article 120 of the Agreement, preside over the Stabilisation and Association Council. A representative of the Commission shall preside over the Stabilisation and Association Committee, in accordance with the Rules of Procedure thereof.

3. The decision to publish the decisions of the Stabilisation and Association Council and the Stabilisation and Association Committee in the *Official Journal of the European Union* shall be taken on a case-by-case basis by the Council or the Commission, each in accordance with the corresponding provisions of the Treaties.

Article 4

The President of the Council is hereby authorised to designate the person(s) empowered, on behalf of the European Union, to deposit the act of approval provided for in Article 138 of the Agreement. The President of the Commission shall deposit the said act of approval on behalf of the European Atomic Energy Community.

Article 5

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 22 July 2013.

For the Council
The President
C. ASHTON

For the Commission
On behalf of the President
C. MALMSTRÖM
Member of the Commission