



EUROPEAN COMMISSION

Brussels, 20.6.2012
COM(2012) 329 final

2012/0159 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**amending Council Regulation (EC) No 1085/2006 establishing an Instrument for Pre-
Accession Assistance (IPA)**

EXPLANATORY MEMORANDUM

1. BACKGROUND

The European Council of 1-2 March 2012 endorsed the Council's conclusions of 28 February 2012 on enlargement and the Stabilisation and Association Process and agreed to grant Serbia the status of candidate country.

The Commission therefore proposes to the Council and the Parliament to amend Council Regulation (EC) No 1085/2006 of 17 July 2006 establishing an Instrument for Pre-Accession Assistance (IPA)¹ with a view to transferring Serbia from the list of potential candidate countries (Annex II) to the list of candidate countries (Annex I).

Existing provisions in the area of the proposal

Regulation (EU) No 540/2010 of the European Parliament and of the Council of 16 June 2010² and Regulation (EU) No 153/2012 of the European Parliament and of the Council of 15 February 2012³, both amending Council Regulation (EC) No 1085/2006 of 17 July 2006 establishing an Instrument for Pre-Accession Assistance (IPA).

2. CONSULTATION OF INTERESTED PARTIES AND COLLECTION AND USE OF EXPERTISE

The Commission has carried out an internal consultation. There was no need for external expertise.

Impact assessment

Not applicable.

3. LEGAL ELEMENTS OF THE PROPOSAL

Summary of the proposed action: one amendment to the Council Regulation (EC) No 1085/2006 of 17 July 2006 establishing an Instrument for Pre-Accession Assistance (IPA).

Serbia will be transferred from the list of potential candidate countries (Annex II) to the list of candidate countries (Annex I), following the decision of the European Council on 1–2 March 2012.

Legal basis

Article 212 (2) of the Treaty of the Functioning of the European Union.

Subsidiarity principle

Not applicable.

¹ OJ L 210, 31.7.2006, p.82

² OJ L 158, 24.6.2010, p.7

³ OJ L 58, 29.2.2012, p.1

Proportionality principle

Not applicable.

Choice of instruments

Proposed instrument: amendment to the Council Regulation. Other means would not be adequate for the following reason: a Regulation must be amended by a Regulation.

4. BUDGETARY IMPLICATIONS

This measure does not involve any additional expenditure.

5. ADDITIONAL INFORMATION**Simplification**

Not applicable.

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
amending Council Regulation (EC) No 1085/2006 establishing an Instrument for Pre-Accession Assistance (IPA)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty of the Functioning of the European Union and in particular Article 212 (2) thereof,

Having regard to the proposal from the European Commission¹,

After transmission of the draft legislative act to the national Parliaments,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) Council Regulation (EC) No 1085/2006 of 17 July 2006 establishing an Instrument for Pre-Accession Assistance (IPA)² provides for assistance to candidate countries and potential candidate countries in their progressive alignment with the standards and policies of the Union, including where appropriate the *acquis*, with a view to membership.
- (2) Council Regulation (EC) No 1085/2006 makes a clear distinction between candidate countries and potential candidate countries.
- (3) The European Council of 1-2 March 2012 endorsed the Council's conclusions of 28 February 2012 on enlargement and the Stabilisation and Association Process and agreed to grant Serbia the status of a candidate country.
- (4) Regulation (EC) No 1085/2006 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1085/2006 is hereby amended as follows:

¹ OJ C , , p. .

² OJ L 210, 31.7.2006, p. 82

- (1) In Annex I, the following entry is inserted after the entry concerning Montenegro:
- "— Serbia".
- (2) In Annex II, the entry "— Serbia, including Kosovo ⁽¹⁾ [(¹) As defined in UNSCR 1244]" is replaced by the following:
- "— Kosovo* [* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence"]".

Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President