

**EXPLANATORY MEMORANDUM TO
THE EUROPEAN UNION (DEFINITION OF TREATIES) (STABILISATION AND
ASSOCIATION AGREEMENT) (BOSNIA AND HERZEGOVINA) ORDER 2010**

2010 No. 766

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 Bosnia and Herzegovina “the Agreement” signed on 16th June 2008, is to be regarded as an EU 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 EU 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 concluded by the European Communities and all its Member States, and must be ratified by each of those States as well as by the European Union which has replaced and succeeded the European Community and Bosnia and Herzegovina 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. The 1972 Act has been amended by the European Union (Amendment) Act 2008; section 3 and the Schedule of the 2008 Act on changes of terminology are now in force.

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 Union (Definition of Treaties) (Stabilisation and Association Agreement) (Bosnia and Herzegovina) Order 2010 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 UK Government believes it important that we support Bosnia and Herzegovina's European perspective including by ratifying the Stabilisation and Association Agreement. The draw of European integration will play a very important role in encouraging Bosnian leaders to turn away from divisive nationalism and focus on delivering important reforms to make the state more functional.

7.3 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

Jennifer Budniak, Assistant Desk Officer for Bosnia and Herzegovina, Western Balkans Group, the Foreign and Commonwealth Office (Tel: 020 7008 1840 or email: Jennifer.Budniak@fco.gov.uk) can answer any queries regarding the instrument.