

Brussels, 28 May 2026  
(OR. en)

9812/26

---

---

**Interinstitutional File:  
2026/0128 (NLE)**

---

---

**AELE 31  
MC 1  
SAN 358**

**COVER NOTE**

---

From: Secretary-General of the European Commission, signed by Ms Martine  
DEPREZ, Director

date of receipt: 28 May 2026

To: Ms Thérèse BLANCHET, Secretary-General of the Council of the  
European Union

---

No. Cion doc.: COM(2026) 253 final

---

Subject: Proposal for a COUNCIL DECISION on the position to be adopted, on  
behalf of the European Union, in the Joint Committee established by the  
Agreement between the European Community and the Principality of  
Monaco on the application of certain Community Acts on the territory of  
the Principality of Monaco

---

Delegations will find attached document COM(2026) 253 final.

---

Encl.: COM(2026) 253 final



Brussels, 28.5.2026  
COM(2026) 253 final

2026/0128 (NLE)

Proposal for a

**COUNCIL DECISION**

**on the position to be adopted, on behalf of the European Union, in the Joint Committee established by the Agreement between the European Community and the Principality of Monaco on the application of certain Community Acts on the territory of the Principality of Monaco**

## **EXPLANATORY MEMORANDUM**

### **1. CONTEXT OF THE PROPOSAL**

The Agreement between the European Community and the Principality of Monaco on the application of certain Community acts to the territory of the Principality of Monaco (the 'Agreement'), signed on 4 December 2003<sup>1</sup> facilitates economic activities and trade in medicines for human and veterinary use, cosmetic products and medical devices between the Parties to the Agreement.

The Agreement provides in its Article 1, paragraph 1, that the Joint Committee established by the Agreement shall amend its Annex to ensure that Union acts falling within the scope of the Agreement apply on the territory of Monaco.

The Annex to the Agreement was last updated in 2013 by Decision No 1/2013<sup>2</sup> of the Joint Committee. Since that update, the relevant Union acquis has continued to evolve, in particular through the adoption of new legislative acts and amendments to existing acts falling within the scope of the Agreement.

In order to ensure the continued correct and uniform application of the Agreement, it is therefore necessary to update the Annex so as to reflect the current state of the applicable Union acquis.

The present proposal therefore aims to update and revise the Annex so that it includes all Union acts falling within the scope of the Agreement and to remove the acts that have been repealed.

### **2. POSITION TO BE TAKEN ON THE UNION'S BEHALF**

In order to establish the position to be taken on behalf of the Union within the Joint Committee established by the Agreement, a Council Decision pursuant to Article 218(9) TFEU is required.

The draft Joint Committee Decision attached to the present proposal updates the Annex to the Agreement in accordance with Article 1(1) thereof by listing all Union acts currently falling within the scope of the Agreement that require inclusion in the Annex in order to apply to the territory of the Principality of Monaco. These are the basic legislative acts and the acts amending or replacing them, adopted by the European Parliament and the Council or by the Council, which define the substantive regulatory framework applicable in the areas covered by the Agreement.

At the same time, the draft Joint Committee Decision clarifies the treatment of acts adopted by the Commission in application of those legislative acts. Article 1(2) of the Agreement provides that such acts apply to the territory of the Principality of Monaco without the need for a decision of the Joint Committee. Accordingly, delegated acts and implementing acts adopted by the Commission on the basis of the acts listed in the Annex apply automatically by virtue of the Agreement and do not need to be listed individually in the Annex.

In this context, the draft Joint Committee Decision introduces a clarification confirming that references in the Annex to Union acts are to be understood as referring to those acts as

---

<sup>1</sup> OJ L 332, 19.12.2003, p.42

<sup>2</sup> OJ L 245, 14.9.2013, pp. 14–15

amended or replaced, while acts adopted by the Commission for their application apply automatically pursuant to Article 1(2) of the Agreement. This reflects a new way of drafting the Annex, aimed at improving clarity and legal certainty, while remaining fully based on the same rules and mechanisms laid down in the Agreement.

This approach does not modify the scope of the Agreement or the division of competences established therein, but ensures a clearer, more sustainable and up-to-date presentation of the Union acquis applicable to the Principality of Monaco.

### **3. LEGAL ELEMENTS OF THE PROPOSAL**

#### **Summary of the proposed action**

This is a proposal for a Council Decision on the position to be taken on behalf of the Union within the Joint Committee established by the Agreement, which should be based on the draft Joint Committee Decision in annex.

#### **Legal Basis**

Article 207 of the Treaty on the Functioning of the European Union in conjunction with Article 218(9) thereof.

#### **Choice of the instrument**

Article 218(9) of the Treaty on the Functioning of the European Union provides that a Council Decision establishes the position to be adopted on behalf of the European Union in a body set up by an agreement, when that body is called upon to adopt decisions having legal effects.

#### **Proportionality**

The proposal is in line with the principle of proportionality because its effects are strictly limited to what is necessary to update the Annex to the Agreement to reflect the state of Union legislation in the areas falling within its scope.

Proposal for a

## **COUNCIL DECISION**

**on the position to be adopted, on behalf of the European Union, in the Joint Committee established by the Agreement between the European Community and the Principality of Monaco on the application of certain Community Acts on the territory of the Principality of Monaco**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207 in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement provides in its article 1, paragraph 1, that the Joint Committee established by the Agreement shall amend its Annex to ensure that Union acts falling within the scope of the Agreement apply on the territory of Monaco,
- (2) Since the entry into force of the Agreement, the European Union has adopted a number of acts that fall within its scope and some acts appearing in the Annex have been repealed. It is therefore necessary to update the Annex to include the new acts and to remove the acts that have been repealed,
- (3) Council Decision 2003/885/EC of 17 November 2003 on the conclusion of the Agreement on the application of certain Community Acts on the territory of the Principality of Monaco, notably its Article 3, paragraph 1, provides that the European Union shall be represented by the Commission in the Joint Committee,
- (4) Council Decision 2003/885/EC of 17 November 2003, notably its Article 3, paragraph 2, provides that the position to be taken by the European Union in the Joint Committee shall be determined by the Council on a proposal from the Commission; the Council shall act by the same voting rule as that applicable for the adoption of the Union act concerned,
- (5) The Annex to the Agreement was last amended by Decision No 1/2013 of the Joint Committee EU–Monaco, reflecting developments in Union legislation within the scope of the Agreement.
- (6) To preserve the consistency and coherence of the Annex to the Agreement, the Commission is seeking the approval of the Annex as a whole, including all acts to be included therein, irrespective of whether the inclusion of certain acts follows from Article 3(2) or Article 3(3) of Council Decision 2003/885/EC.

HAS ADOPTED THIS DECISION:

*Article 1*

The position to be adopted, on behalf of the Union, within the Joint Committee set up by the Agreement between the European Community and the Principality of Monaco on the application of certain Community acts on the territory of the Principality of Monaco of 4 December 2003 shall be based on the draft decision of the Joint Committee attached to this Decision.

Technical modifications to the draft Decision of the Joint Committee may be agreed to by the representatives of the Union in the Joint Committee without further decision of the Council.

*Article 2*

The Decision of the Joint Committee shall be published in the *Official Journal of the European Union*.

*Article 3*

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

This Decision is addressed to the Commission.

Done at Brussels,

*For the Council  
The President*