



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 22 March 2013**

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**"I" ITEM NOTE**

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From: Presidency  
To: Permanent Representatives Committee (Part 2)  
No. Cion prop.: 15025/11 ACP 188 WTO 338 UD 244 CODEC 1583  
Subject: Proposal for a Regulation of the European Parliament and of the Council amending Annex I to Council Regulation (EC) No 1528/2007 as regards the exclusion of a number of countries from the list of regions or states which have concluded negotiations (**second reading**)  
- Approval of the final compromise text

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1. On 30 September 2011, the Commission submitted to the Council and the European Parliament the above-mentioned proposal.
2. The European Parliament adopted its position at first reading and the accompanying legislative resolution during the plenary session on 13 September 2012<sup>1</sup>.
3. The Council adopted its position at first reading on 11 December 2013<sup>2</sup>.

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<sup>1</sup> 13638/12 CODEC 2101 ACP 170 WTO 298 UD 226 PE 396

<sup>2</sup> 15519/1/12 REV 1 CODEC 2495 ACP 210 WTO 339 UD 259 PARLNAT 385 + REV 1 ADD 1

4. Following the transmission of the Council position in first reading to the European Parliament, the Presidency and the Commission held informal contacts with the European Parliament with a view to exploring the ground for an agreement in second reading.
5. A provisional agreement ad referendum was reached at the second informal trilogue on 6 March 2013.
6. At its meeting on 8 March 2013, the Trade Policy Committee (Deputies) was informed of the outcome of the second informal trilogue and endorsed the provisional agreement reached at the trilogue.
7. On 21 March 2013, the European Parliament's INTA Committee voted its recommendation for a second reading position. The recommendation confirmed the provisional agreement reached at the informal trilogue on 6 March 2013.
8. The vote in the European Parliament plenary is scheduled for the 15-18 April session.
9. The Permanent Representative Committee is therefore invited to:
  - confirm the agreement on the text set out in the Annex to this note;
  - to invite its Chairman to send a letter to the Chair of the European Parliament's Committee on International Trade (INTA) stating that if the Parliament were to adopt the amended text of the draft Regulation exactly in the same form as set out in the Annex to this note, then the Council would in turn adopt the Regulation in the same form (which corresponds to the position of the Council as amended by the Parliament), subject to previous revision of the text by the lawyer-linguists.

**REGULATION (EU) No .../....  
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**of ...**

**amending Annex I to Council Regulation (EC) No 1528/2007  
as regards the exclusion of a number of countries from the list of regions  
or states which have concluded negotiations**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207(2) thereof,

Having regard to the proposal from the European Commission,

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

Acting in accordance with the ordinary legislative procedure<sup>1</sup>,

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<sup>1</sup> Position of the European Parliament of 13 September 2012 (not yet published in the Official Journal) and position of the Council at first reading of ... (not yet published in the Official Journal). Position of the European Parliament of... .

Whereas:

(1) Negotiations on the Economic Partnership Agreements ('the Agreements') between:

the CARIFORUM states, of the one part, and the European Community and its Member States, of the other part, were concluded on 16 December 2007;

the European Community and its Member States, of the one part, and the Central Africa Party, of the other part, were concluded on 17 December 2007 (the Republic of Cameroon);

Ghana, of the one part, and the European Community and its Member States, of the other part, were concluded on 13 December 2007;

Côte d'Ivoire, of the one part, and the European Community and its Member States, of the other part, were concluded on 7 December 2007;

the Eastern and Southern Africa States, of the one part, and the European Community and its Member States, of the other part, were concluded on 28 November 2007 (the Republic of Seychelles and the Republic of Zimbabwe), on 4 December 2007 (the Republic of Mauritius), on 11 December 2007 (the Union of the Comoros and the Republic of Madagascar) and 30 September 2008 (the Republic of Zambia);

the SADC EPA states, of the one part, and the European Community and its Member States, of the other part, were concluded on 23 November 2007 (the Republic of Botswana, the Kingdom of Lesotho, the Kingdom of Swaziland, the Republic of Mozambique) and 3 December 2007 (the Republic of Namibia);

the East African Community Partner States, of the one part, and the European Community and its Member States, of the other part, were concluded on 27 November 2007;

the Pacific States, of the one part, and the European Community, of the other part, were concluded on 23 November 2007.

- (2) The conclusion of negotiations on the Agreements by Antigua and Barbuda, the Commonwealth of the Bahamas, Barbados, Belize, the Republic of Botswana, the Republic of Burundi, the Republic of Cameroon, the Union of the Comoros, the Republic of Côte d'Ivoire, the Commonwealth of Dominica, the Dominican Republic, the Republic of Fiji, the Republic of Ghana, Grenada, the Cooperative Republic of Guyana, the Republic of Haiti, Jamaica, the Republic of Kenya, the Kingdom of Lesotho, the Republic of Madagascar, the Republic of Mauritius, the Republic of Mozambique, the Republic of Namibia, the Independent State of Papua New Guinea, the Republic of Rwanda, the Federation of Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, the Republic of Seychelles, the Republic of Suriname, the Kingdom of Swaziland, the United Republic of Tanzania, the Republic of Trinidad and Tobago, the Republic of Uganda, the Republic of Zambia and the Republic of Zimbabwe permitted their inclusion in Annex I to Council Regulation (EC) No 1528/2007 of 20 December 2007 applying the arrangements for products originating in certain states which are part of the African, Caribbean and Pacific (ACP) Group of States provided for in agreements establishing, or leading to the establishment of, Economic Partnership Agreements<sup>1</sup>.
- (3) The Republic of Botswana, the Republic of Burundi, the Republic of Cameroon, the Union of the Comoros, the Republic of Côte d'Ivoire, the Republic of Fiji, the Republic of Ghana, the Republic of Haiti, the Republic of Kenya, the Kingdom of Lesotho, the Republic of Mozambique, the Republic of Namibia, the Republic of Rwanda, the Kingdom of Swaziland, the United Republic of Tanzania, the Republic of Uganda and the Republic of Zambia have not taken the necessary steps towards ratification of their respective Agreements.
- (4) Consequently, in accordance with Article 2(3) of Regulation (EC) No 1528/2007, and in particular point (b) thereof, Annex I to that Regulation should be amended to remove those countries from that Annex.

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<sup>1</sup> OJ L 348, 31.12.2007, p. 1.

- (5) In order to ensure that those countries can swiftly be reinstated in Annex I to Regulation (EC) No 1528/2007 as soon as they have taken the necessary steps towards ratification of their respective Agreements, and pending entry into force thereof, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to reinstate the countries removed from Annex I to Regulation (EC) No 1528/2007 pursuant to this Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council,

HAVE ADOPTED THIS REGULATION:

## *Article 1*

Regulation (EC) No 1528/2007 is hereby amended as follows:

(1) the following Articles are inserted:

### *"Article 2a*

#### *Delegation of power*

The Commission shall be empowered to adopt delegated acts in accordance with Article 2b to amend Annex I to this Regulation by reinstating those regions or states from the ACP Group of States which were removed from that Annex pursuant to Regulation (EU) No .../...of the European Parliament and of the Council <sup>+</sup>, and which have since taken the necessary steps towards ratification of their respective agreements after removal from that Annex.

### *Article 2b*

#### *Exercise of the delegation*

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 2a shall be conferred on the Commission for a period of five years from ...<sup>++</sup>. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five- year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

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<sup>+</sup> OJ: please insert the number and the OJ reference of this Regulation

<sup>++</sup> OJ: Please insert the date of entry into force of this Regulation

3. The delegation of power referred to in Article 2a may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of the delegated acts already in force.
4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
5. A delegated act adopted pursuant to Article 2a shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

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\* OJ L...";

- (2) Annex I is replaced by the the text set out in the Annex to this Regulation.



*Article 2*

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

It shall apply as from 1 October 2014.

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

Done at,

*For the European Parliament*

*For the Council*

*The President*

*The President*

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**ANNEX**

"ANNEX I

List of regions or states which have concluded negotiations within the meaning of Article 2(2):

ANTIGUA AND BARBUDA

THE COMMONWEALTH OF THE BAHAMAS

BARBADOS

BELIZE

THE COMMONWEALTH OF DOMINICA

THE DOMINICAN REPUBLIC

GRENADA

THE COOPERATIVE REPUBLIC OF GUYANA

JAMAICA

THE REPUBLIC OF MADAGASCAR

THE REPUBLIC OF MAURITIUS

THE INDEPENDENT STATE OF PAPUA NEW GUINEA

FEDERATION OF SAINT KITTS AND NEVIS

SAINT LUCIA

SAINT VINCENT AND THE GRENADINES

THE REPUBLIC OF SEYCHELLES

THE REPUBLIC OF SURINAME

THE REPUBLIC OF TRINIDAD AND TOBAGO

THE REPUBLIC OF ZIMBABWE"

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