



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 19 April 2013

**Interinstitutional File:
2011/0260 (COD)**

**8437/1/13
REV 1**

**CODEC 821
ACP 51
WTO 91
UD 83
PE 167**

INFORMATION NOTE

from:	General Secretariat
to:	Permanent Representatives' Committee/Council
Subject:	Proposal for a Regulation of the European Parliament and of the Council amending Annex I to Council Regulation (EC) N° 1528/2007 as regards the exclusion of a number of countries from the list of regions or states which have concluded negotiations – Outcome of the European Parliament's second reading (Strasbourg, 15 to 18 April 2013)

I. INTRODUCTION

In accordance with the provisions of Article 294 of the TFEU and the joint declaration on practical arrangements for the codecision procedure¹, a number of informal contacts have taken place between the Council, the European Parliament and the Commission with a view to reaching an agreement on this dossier at second reading, thereby avoiding the need for a conciliation procedure.

In this context, the rapporteur, Mr David MARTIN (S&D-UK), presented one compromise amendment (amendment 1) to the position of the Council at first reading, on behalf of Committee on International Trade. This amendment had been agreed during the informal contacts referred to above.

¹ OJ C 145, 30.6.2007, p.5

II. VOTE

When it voted on 16 April 2013, the plenary adopted the compromise amendment (amendment 1) to the position of the Council at first reading. No other amendments were adopted. The amendment adopted corresponds to what was agreed between the three institutions and ought therefore to be acceptable to the Council. Consequently, once the Legal-Linguistic Experts have examined the text, the Council should be in a position to adopt the legislative act.

The text of the amendment adopted and the European Parliament's legislative resolution are set out in the Annex hereto. The amendment is presented in the form of a consolidated text where added wordings are highlighted in ***bold and italics***, the symbol "■" indicates deleted text and the symbol "||" indicates changes of a linguistic or clerical nature.

EU/ACP countries' Economic Partnership Agreements: exclusion of certain countries from trade preferences *II**

European Parliament legislative resolution of 16 April 2013 on the Council position at first reading with a view to the adoption of 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 (15519/1/2012 – C7-0006/2013 – 2011/0260(COD))

(Ordinary legislative procedure: second reading)

The European Parliament,

- having regard to the Council position at first reading (15519/1/2012 – C7-0006/2013),
 - having regard to its position at first reading¹ on the Commission proposal to Parliament and the Council (COM(2011)0598),
 - having regard to Article 294(7) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 66 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on International Trade (A7-0123/2013),
1. Adopts its position at second reading hereinafter set out;
 2. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ Texts adopted of 13.9.2012, P7_TA(2012)0342.

P7_TC2-COD(2011)0260

Position of the European Parliament adopted at second reading on 16 April 2013 with a view to the adoption of Regulation (EU) No .../2013 of the European Parliament and of the Council amending 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 procedure¹,

¹ 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 11 December 2012 (OJ C 39 E, 12.2.2013, p. 1). Position of the European Parliament of 16 April 2013.

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

the European Community, of the one part, and the Pacific States, 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 Agreements¹.

¹ OJ L 348, 31.12.2007, p. 1.

- (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.

- (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 ^{*,+}, and which have, since such removal, taken the necessary steps towards ratification of their respective agreements.

⁺ OJ: please insert the number and the OJ reference of this Regulation

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 ...⁺⁺. 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.***
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.

⁺⁺ OJ: please insert the date of entry into force of this Regulation.

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.

* OJ L...";

- (2) Annex I is replaced by 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

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"
