



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 6 May 2013**

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from:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	6 May 2013
to:	Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union
No Cion doc.:	COM(2013) 277 final
Subject:	Opinion of the Commission pursuant to Article 294(7)(c) of the Treaty on the Functioning of the European Union, on the European Parliament's amendments to the Council's position regarding the 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

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Delegations will find attached Commission document COM(2013) 277 final.

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Encl.: COM(2013) 277 final



Brussels, 3.5.2013  
COM(2013) 277 final

2011/0260 (COD)

**OPINION OF THE COMMISSION**

**pursuant to Article 294(7)(c) of the Treaty on the Functioning of the European Union,  
on the European Parliament's amendments  
to the Council's position**

**regarding the 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  
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negotiations**

**1. INTRODUCTION**

Article 294(7)(c) of the Treaty on the Functioning of the European Union provides that the Commission is to deliver an opinion on the amendments proposed by the European Parliament at second reading. The Commission sets out its opinion below on the two amendments proposed by the Parliament.

**2. BACKGROUND**

After the signature of the Cotonou Agreement in 2000 setting out principles and provisions for the Economic Partnership Agreements (EPAs) with the African, Caribbean and Pacific (ACP) countries and regions and the negotiating process ensuing therefrom, a number of countries concluded negotiations and initialled interim EPAs at the end of 2007. In order to avoid a disruption in trade preferences, Council Regulation (EC) No 1528/2007 of 20 December 2007 (the "Market Access Regulation") set out the conditions for unilateral advance provisional application by the EU of trade preferences from 1 January 2008 in anticipation of EPA ratifications.

While 19 ACP countries have taken the necessary steps towards ratification of their EPAs, another 17 have failed to do so. According to the criteria set out in Article 2(3) of the Market Access Regulation, these 17 countries no longer meet the conditions of the Market Access Regulation and accordingly, trade preferences should no longer be maintained.

**3. OBJECTIVE OF THE PROPOSAL FROM THE COMMISSION**

The Commission proposal is intended to amend the list of countries benefiting from the preferences (Annex I of the Regulation) by removing, on 1 January 2014, those which have still not taken the necessary steps towards ratification of an EPA. The proposal is intended to ensure equitable treatment vis-à-vis EPA partners that are fully complying with their obligations.

#### **4. OPINION OF THE COMMISSION ON THE AMENDMENTS PROPOSED BY THE EUROPEAN PARLIAMENT**

- Delay of the date of entry into force

At second reading, the European Parliament proposes to delay the entry into force of the amendment to the Market Access Regulation by ten months, i.e. to 1 October 2014. The Commission considers its original proposal of entry into force on 1 January 2014 preferable as any further delays increase the risks associated with extending a temporary arrangement that cannot provide a solid legal basis of ACP market access. However, with a view to ensuring inter-institutional unity and a broad majority for the adoption of the amendment proposal the amendment is nevertheless acceptable.

- Amendment to limit the Delegation of Powers

The second amendment by the European Parliament concerns the limitation in time of the delegation of powers conferred to the Commission. While the Commission had originally not proposed a limitation in time, the European Parliament proposed to limit the conferral of powers to five years with tacit renewal. While this is not the preferred approach of the Commission, this does not raise any particular problems in the case at hand and is therefore acceptable.

#### **5. CONCLUSION**

Pursuant to Article 293(2) of the Treaty on the Functioning of the European Union, the Commission amends its proposal as set out above.