



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 15 March 2012

7711/12

**Interinstitutional File:
2010/0343 (NLE)**

**PROBA 12
DEVGEN 66
RELEX 232
ENV 210
ACP 35**

“I/A” ITEM NOTE

from: Working Party on Commodities
to: COREPER/Council

No. Cion prop.: 17354/10 - COM(2010) 705 final

Subject: Draft Council Decision on the conclusion of the International Cocoa Agreement
2010
- Adoption

1. The United Nations Conference on Trade and Development (UNCTAD) set up a conference¹ to negotiate the text of the new International Cocoa Agreement. On 25 June 2010 the conference completed the negotiations of the text of the International Cocoa Agreement, 2010 (hereinafter "the Agreement") which will replace the 2001 International Cocoa Agreement.
2. On 2 December 2010, the Commission transmitted two proposals: 1) a proposal for a Council Decision on the signing on behalf of the European Union, and provisional application of the International Cocoa Agreement, 2010², and 2) a proposal for a Council Decision on the conclusion by the European Union of the International Cocoa Agreement, 2010³. The legal basis for the Decisions is Article 207(3) and (4) TFEU, in conjunction with Article 218(5) and (6) TFEU respectively.

¹ The United Nations Cocoa Conference.

² Doc. 17356/10 and COR 1.

³ Doc. 17354/10, COR 1 and COR 2.

3. On 17 May 2011 the Council adopted the Council Decision on the signing and provisional application on behalf of the European Union of the International Cocoa Agreement 2010⁴.
4. On 10 June 2011 the European Union signed the Agreement⁵. Since 10 June 2011 the Agreement is provisionally applied by the European Union.
5. According to Article 218(6)(a) TFEU the conclusion of the Agreement requires the consent of the European Parliament. On 13 March 2012 the European Parliament gave its consent⁶.
6. In preparation for the conclusion of the Agreement, the Permanent Representatives Committee is invited to suggest that, as an "A" item at a forthcoming meeting, the Council decides to adopt the Council Decision on the conclusion of the Agreement, as set out in document 9771/11 following finalisation by the Legal/Linguistic experts.

⁴ OJ L 259 of 4 October 2011, p. 7.

⁵ The text of the International Cocoa Agreement was published in OJ L259 of 4 October 2011, p. 8.

⁶ P7_TA-PROV(2012)0081.