



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 5 October 2012**

**14646/12**

---

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

---

**ACP 195  
WTO 322  
UD 242  
CODEC 2310**

**"I/A" ITEM NOTE**

---

|                 |   |
|-----------------|---|
| from:           | Trade Policy Committee  |
| to              | Permanent Representatives Committee/Council   |
| 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<br>- <i>Political agreement</i> |

---

1. On 3 October 2011, the Commission submitted to the Council the above-mentioned proposal.
2. The European Parliament adopted its position at first reading during the plenary session on 13 September 2012<sup>1</sup>, putting forward a number of amendments to the Commission proposal.
3. The proposed Regulation and the amendments adopted by the European Parliament at first reading were discussed by the Trade Policy Committee (Full Members) on 5 October 2012. At this meeting the Committee endorsed the Commission proposal with a limited number of necessary technical adjustments, in order to reflect the introduction of Zimbabwe in Annex I to Council Regulation (EC) No 1528/2007. Such change stems from the fact that Zimbabwe has notified the deposit of the instrument of ratification of the Interim Economic Partnership Agreement between the Eastern and Southern African States and the European Union.

---

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

4. It is therefore suggested that the Permanent Representatives Committee submit the draft text of the Regulation, as set out in the Annex to this note, to the Council to confirm the political agreement on the text, on the understanding that, after its finalisation by the Council's legal/linguistic experts, the draft Regulation will again be transmitted via Coreper to the Council, for adoption of the Council's position in first reading.
-

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**

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,

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, on the one part, and the European Community and its Member States, on 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, on the one part, and the European Community and its Member States, on 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 (Union of the Comoros and the Republic of Madagascar) and 30 September 2008 (the Republic of Zambia);

The SADC EPA states, on the one part, and the European Community and its Member States, on 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, on the one part, and the European Community and its Member States,, on 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, Union of the Comoros, the Republic of Côte d'Ivoire, the Commonwealth of Dominica, the Dominican Republic, the Republic of the Fiji Islands, 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, 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<sup>2</sup> 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>3</sup>.

---

<sup>2</sup> OJ L 330, 9.12.2008, p.1

<sup>3</sup> OJ L 348, 31.12.2007, p. 1

- (3) The Republic of Botswana, the Republic of Burundi, the Republic of Cameroon, Union of the Comoros, the Republic of Côte d'Ivoire, the Republic of the Fiji Islands, 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 the light of 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,
- (5) In order to ensure that partners can swiftly be reinstated in Annex I to that Regulation as soon as they have taken the necessary steps towards ratification of their respective Agreements, and pending their entry into force, 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 European Commission in respect of reinstating the countries removed from Annex I through this Regulation. It is of particular importance that the European Commission carry out appropriate consultations during its preparatory work, including at expert level. The European Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and the Council,

HAVE ADOPTED THIS REGULATION:

*Article 1*

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

- (1) The following Articles 2a and 2b are inserted:

*"Article 2a*

The Commission shall be empowered to adopt delegated acts in accordance with Article 2b to amend Annex I by reinstating those regions or states from the ACP Group of States which were removed from that Annex by virtue of [**Regulation (EU) No .../...**<sup>4</sup>], and which have since taken the necessary steps towards ratification of their respective Agreements after removal from Annex I.

*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 delegation of power referred to in Article 2a shall be conferred on the Commission for an indeterminate period of time from the 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 of revocation shall put an end to the delegation of the powers 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.

---

<sup>4</sup> OJ L ..., ....., p. .

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 2 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 2 months at the initiative of the European Parliament or the Council."
- (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 day following that of its publication in the *Official Journal of the European Union*.

It shall apply on 1 January 2014.

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

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*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"