



Council of the  
European Union

Brussels, 20 June 2016  
(OR. en)

10107/16

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**Interinstitutional File:**  
**2016/0005 (NLE)**

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ACP 85  
WTO 159  
COAFR 180  
RELEX 507

## **LEGISLATIVE ACTS AND OTHER INSTRUMENTS**

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Subject: COUNCIL DECISION on the conclusion, on behalf of the European Union, of the Economic Partnership Agreement between the European Union and its Member States, of the one part, and the SADC EPA States, of the other part

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**COUNCIL DECISION (EU) 2016/...**

**of...**

**on the conclusion, on behalf of the European Union, of the Economic Partnership Agreement  
between the European Union and its Member States, of the one part,  
and the SADC EPA States, of the other part**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular  
Articles 207(3) and (4) and 209(2), in conjunction with Article 218(6)(a), thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament<sup>1</sup>,

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<sup>1</sup> OJ ...

Whereas:

- (1) On 12 June 2002, the Council authorised the Commission to open negotiations for Economic Partnership Agreements with the African, Caribbean and Pacific Group of States.
- (2) The negotiations have been concluded and the Economic Partnership Agreement between the European Union and its Member States, of the one part, and the SADC EPA States (comprising Botswana, Lesotho, Mozambique, Namibia, South Africa and Swaziland), of the other part ('the Agreement'), was initialled on 15 July 2014.
- (3) In accordance with Council Decision (EU) 2016/...<sup>1\*</sup>, the Agreement was signed on 10 June 2016 subject to its conclusion at a later date.
- (4) The Agreement has been provisionally applied since [...] pending its entry into force.
- (5) The Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000, calls for the conclusion of WTO-compatible Economic Partnership Agreements.
- (6) The Agreement should be approved,

HAS ADOPTED THIS DECISION:

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<sup>1</sup> OJ L [...], [...], p. [...].

\* st5729/16 (OJ please insert relevant details).

### *Article 1*

The Economic Partnership Agreement between the European Union and its Member States, of the one part, and the SADC EPA States, of the other part is hereby approved on behalf of the Union<sup>1</sup>.

### *Article 2*

The President of the Council shall designate the person empowered to proceed, to deposit, on behalf of the Union, the instrument of approval provided for in Article 113(2) of the Agreement, in order to express the consent of the Union to be bound by the Agreement<sup>2</sup>.

### *Article 3*

The Agreement shall not be construed as conferring rights or imposing obligations which can be directly invoked before Union or Member State courts and tribunals.

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<sup>1</sup> The text of the Agreement has been published in OJ L ... together with the decision on signature.

<sup>2</sup> The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

*Article 4*

This Decision shall enter into force on the date of its adoption.

Done at Brussels,

*For the Council*

*The President*

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