



Council of the
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COVER NOTE

From: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 14 July 2017

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of
the European Union

No. Cion doc.: C(2017) 4854 final

Subject: COMMISSION DELEGATED REGULATION (EU) .../... of 14.7.2017
adding an Annex to Regulation (EU) 2016/1076 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

Delegations will find attached document C(2017) 4854 final.

Encl.: C(2017) 4854 final



Brussels, 14.7.2017
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COMMISSION DELEGATED REGULATION (EU) .../...

of 14.7.2017

adding an Annex to Regulation (EU) 2016/1076 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

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Regulation (EU) 2016/1076 (“the Regulation”) applies the market access arrangements for products originating in those African, Caribbean and Pacific (ACP) Group of States that have concluded agreements establishing, or leading to the establishment of, economic partnership agreements (EPAs) with the EU. The Regulation also lays down how the European Union will apply its safeguard measures where Economic Partnership Agreements are concerned.

The Economic Partnership Agreement between the European Union and its Member States, of the one part, and the SADC EPA States, of the other part¹ (the "SADC EPA") has been provisionally applied since 10 October 2016.

As a consequence, products originating in South Africa have ceased to benefit from the relevant provisions of the Agreement on Trade, Development and Cooperation between the European Community and its Member States, of the one part, and the Republic of South Africa, of the other part (the "TDCA")², but will instead benefit from the market access regime into the European Union as laid down in the SADC EPA.

To this end, the Commission has been empowered to adopt delegated acts in accordance with Articles 4(3) and 22 of the Regulation so as to add an Annex to the Regulation which sets out the market access regime applicable to the importation into the European Union of products originating in South Africa

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.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

In accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making³, the Commission carried out appropriate consultations during its preparatory work, including at expert level, on this delegated act.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

Articles 4(3) and 22 of the Regulation empower the Commission to adopt a delegated act to add an Annex to the Regulation setting out the market access regime into the European Union applicable to products originating in South Africa, given that the relevant trade provisions of the TDCA have been superseded by the relevant provisions of the SADC EPA.

¹ OJ L 250, 16.9.2016, p. 3.

² OJ L 311, 4.12.1999, p. 3.

³ OJ L 123, 12.5.2016, p. 1.

COMMISSION DELEGATED REGULATION (EU) .../...

of 14.7.2017

adding an Annex to Regulation (EU) 2016/1076 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

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2016/1076 of the European Parliament and of the Council of 8 June 2016 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 (recast)⁴, and in particular Article 4(3) and 22 thereof,

Whereas:

- (1) Regulation (EU) 2016/1076 applies the market access arrangements for products originating in those African, Caribbean and Pacific ('ACP') Group of States that have concluded agreements establishing, or leading to the establishment of, economic partnership agreements ('EPAs') with the EU.
- (2) 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 EU-SADC EPA) is provisionally applied since 10 October 2016.
- (3) The Commission is empowered to adopt delegated acts in accordance with Articles 4(3) and 22 of Regulation (EU) 2016/1076 to add an Annex to this Regulation setting out the market access regime applicable to the importation into the European Union of products originating in South Africa, given that the relevant trade provisions of the Trade, Development and Cooperation Agreement ('TDCA') have been superseded by the relevant provisions of the EU-SADC EPA,

HAS ADOPTED THIS REGULATION:

Article 1

Annex V setting out the market access regime applicable to the importation into the EU of products originating in South Africa as specified in the Annex to this Regulation is added to Regulation (EU) 2016/1076

⁴ OJ L 185, 8.7.2016, p. 1.

Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 14.7.2017

For the Commission
The President
Jean-Claude JUNCKER