



Council of the
European Union

057671/EU XXVI. GP
Eingelangt am 13/03/19

Brussels, 13 March 2019
(OR. en)

7487/19

ACP 27
WTO 75
UD 87
DELECT 61

COVER NOTE

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

date of receipt: 12 March 2019

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

No. Cion doc.: C(2019) 1844 final

Subject: COMMISSION DELEGATED REGULATION (EU) .../... of 12.3.2019
amending Regulation (EU) 2016/1076 of the European Parliament and of
the Council in order to include the Independent State of Samoa in Annex I

Delegations will find attached document C(2019) 1844 final.

Encl.: C(2019) 1844 final



Brussels, 12.3.2019
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COMMISSION DELEGATED REGULATION (EU) .../...

of 12.3.2019

amending Regulation (EU) 2016/1076 of the European Parliament and of the Council in order to include the Independent State of Samoa in Annex I

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Regulation (EU) 2016/1076 (Market Access Regulation) governs the EU duty-free quota-free import regime for members of the African, Caribbean and Pacific (ACP) Group of States that have concluded negotiations on Economic Partnership Agreements (EPAs) with the EU. The Regulation also lays down a procedure for the application by the European Union of safeguard measures in respect of products originating in such countries.

On 23 April 2018 Samoa and the European Commission concluded negotiations on Samoa's accession to the interim Economic Partnership Agreement (EPA) with the Pacific States¹.

Following consent of the European Parliament on 29 November 2018, the Council approved the accession of Samoa on behalf of the Union on 6 December 2018. The interim EPA is provisionally applied between the EU and Samoa from 31 December 2018.

As a result, Samoa, which recently graduated from the Least Developed Countries status, should be added to Annex I to the Market Access Regulation in order to ensure the full application of the interim EPA between the EU and the Pacific States already provisionally applied by Papua New Guinea and Fiji since 2009 and 2014 respectively.

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 on Better Law-Making of 13 April 2016², the Commission consulted Member States' experts during its preparatory work on this delegated act.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

Articles 2(2) and 22 of the Market Access Regulation empower the Commission to adopt a delegated act to amend Annex I to this Regulation in order to add states from the ACP Group of States which have concluded negotiations on an Economic Partnership Agreement with the European Union.

The proposed delegated regulation therefore adds Samoa to the list of Annex I of the Market Access Regulation.

¹ OJ L 272, 16.10.2009, p. 2.

² OJ L 123, 12.5.2016, p. 1.

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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 Agreements³, and in particular Article 2(2) thereof,

Whereas:

- (1) Annex I to Regulation (EU) 2016/1076 lists the countries to which the market access arrangements provided for by that Regulation apply.
- (2) On 6 December 2018, the Council approved, on behalf of the Union, the accession of Samoa to the interim Economic Partnership Agreement between the Union and the Pacific States. Following Samoa's deposition of its Act of Accession, the interim Economic Partnership Agreement is provisionally applied between the Union and Samoa from 31 December 2018.
- (3) Therefore the Independent State of Samoa should be included in Annex I,

HAS ADOPTED THIS REGULATION:

Article 1

In Annex I to Regulation (EU) 2016/1076 the following is inserted after the words “SAINT VINCENT AND THE GRENADINES”:

“THE INDEPENDENT STATE OF SAMOA”.

Article 2

This Regulation shall enter into force on the twentieth 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, 12.3.2019

For the Commission
The President
Jean-Claude JUNCKER

³ OJ L 185, 8.7.2016, p. 1.