



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 October 2019

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

No. Cion doc.: C(2019) 7276 final

Subject: COMMISSION DELEGATED REGULATION (EU) .../... of 14.10.2019
amending Regulation (EU) 2016/1076 of the European Parliament and of
the Council in order to include the Union of Comoros in Annex I

Delegations will find attached document C(2019) 7276 final.

Encl.: C(2019) 7276 final



Brussels, 14.10.2019
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COMMISSION DELEGATED REGULATION (EU) .../...

of 14.10.2019

**amending Regulation (EU) 2016/1076 of the European Parliament and of the Council in
order to include the Union of Comoros 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.

At the end of 2007, six states in the Eastern and Southern Africa region (Comoros, Madagascar, Mauritius, Seychelles, Zambia and Zimbabwe) concluded an interim Economic Partnership Agreement with the EU. In August 2009, four of them (Madagascar, Mauritius, Seychelles and Zimbabwe) signed the agreement. In January 2013, the European Parliament gave its consent to the agreement.

In July 2017, the Union of Comoros signed the agreement and in January 2019 ratified it. On 7 February 2019, the Union of Comoros deposited the instrument of ratification to the Secretariat of the Council. Accordingly, the interim EPA is provisionally applicable between the EU and the Union of Comoros from that date.

As a result, the Union of Comoros 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 Eastern and Southern Africa States already provisionally applied by Madagascar, Mauritius, Seychelles and Zimbabwe since 14 May 2012.

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

Pursuant to Article 22(4) of the Market Access Regulation, during its preparatory work the Commission carried out appropriate consultations, including at expert level, on this delegated act, in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016¹.

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.

¹ 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 Agreements², 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) The Interim Agreement establishing a framework for an Economic Partnership Agreement between the Eastern and Southern Africa States, on the one part, and the European Community and its Member States, on the other part (the “interim EPA”)³ has been provisionally applied since 14 May 2012 for four (Madagascar, Mauritius, Seychelles and Zimbabwe) out of six States in the Eastern and Southern Africa region which signed and ratified the agreement.
- (3) On 7 February 2019, the Union of Comoros deposited the instrument of ratification of the interim EPA. Accordingly, the interim EPA is provisionally applicable between the Union and the Union of Comoros from that date.
- (4) Therefore, the Union of Comoros 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 “THE REPUBLIC OF CAMEROON”:

“THE UNION OF COMOROS”

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*.

² OJ L 185, 8.7.2016, p. 1.

³ OJ L 111, 24.4.2012, p. 2.

This Regulation shall be binding in its entirety and directly applicable in all Member States.
Done at Brussels, 14.10.2019

*For the Commission
The President
Jean-Claude JUNCKER*