



Council of the
European Union

Brussels, 13 April 2021
(OR. en)

7335/21

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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION authorising the opening of negotiations to amend the
International Cocoa Agreement 2010

COUNCIL DECISION (EU) 2021/...

of ...

**authorising the opening of negotiations
to amend the International Cocoa Agreement 2010**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207(3) and the first subparagraph of Article 207(4), in conjunction with Article 218(3) and (4) thereof,

Having regard to the recommendation from the European Commission,

Whereas:

- (1) The Union is a Contracting Party to the International Cocoa Agreement 2010 (ICA) pursuant to Council Decision 2012/189/EU¹ and a member of the International Cocoa Organisation (ICCO).
- (2) Pursuant to Article 7 of the ICA, the International Cocoa Council (ICC) performs or arranges for the performance of all such functions as are necessary to implement the ICA. Pursuant to Article 12 thereof, decisions of the ICC are taken in principle by consensus. In the absence of consensus, decisions are taken by a special vote.
- (3) Pursuant to Article 10 of the ICA, ICCO members hold 2000 votes in total in the ICC. Each member holds a specified number of votes which is adjusted annually in accordance with the criteria set out in that Article.
- (4) It is in the interest of the Union to participate in an international agreement on cocoa, considering the importance of that sector for a number of Member States and for the economy of the European cocoa sector.

¹ Council Decision 2012/189/EU of 26 March 2012 on the conclusion of the International Cocoa Agreement 2010 (OJ L 102, 12.4.2012, p. 1).

- (5) A technical working group composed of ICCO members from both producing and exporting countries engaged in substantial work in order to present concrete proposals for the amendment of the ICA. ICCO members were invited to submit any suggestions to initiate this technical analysis, as did the Union. The ICC needs to open negotiations for a partial review of the ICA well before the deadline of the validity of the ICA, namely, 30 September 2022, under the guidance of the United Nations Conference on Trade and Development (UNCTAD). Any areas of the ICA to be reviewed need to be the subject of formal negotiations. Such negotiations are to be concluded no later than 30 September 2022.
- (6) Any amendments agreed in the formal negotiations should be adopted in accordance with the procedure set out in Article 63 of the ICA. Pursuant to that Article, the ICC may, by consensus or, if not, by special vote, recommend an amendment to the ICA to the Contracting Parties of the ICA. The amendment becomes effective in accordance with Article 63(1) of the ICA, which requires the notification of acceptance from a certain percentage of the Contracting Parties of the ICA. As a member of the ICCO and Contracting Party to ICA, in accordance with Article 4 thereof, the Union should be able to participate in negotiations with a view to amending the ICA.
- (7) It is therefore appropriate that the Commission be authorised to engage in negotiations for the partial review of the ICA,

HAS ADOPTED THIS DECISION:

Article 1

1. The Commission is hereby authorised to negotiate, on behalf of the Union, to amend the International Cocoa Agreement 2010.
2. The negotiations shall be conducted on the basis of the negotiating directives of the Council set out in the addendum to this Decision.

Article 2

The negotiations shall be conducted in consultation with the Working Party on Commodities.

Article 3

This Decision is addressed to the Commission.

Done at Brussels,

For the Council

The President
