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'I' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
Subject:	Draft Council Decision on the Association of the Overseas Countries and Territories with the European Union including relations between the European Union on the one hand, and Greenland and the Kingdom of Denmark on the other (Decision on the Overseas Association, including Greenland) - Decision to consult an institution or body

1. On 14 June 2018, the Commission submitted to the Council a proposal for a Council Decision on the Association of the Overseas Countries and Territories with the European Union including relations between the European Union on the one hand, and Greenland and the Kingdom of Denmark on the other ('Overseas Association Decision')¹.
2. The proposed Overseas Association Decision is subject to a special legislative procedure, under Article 203 of the Treaty on the Functioning of the European Union, which requires the Council to act by unanimity.

¹ 10150/18.

3. The European Parliament delivered its opinion on the Commission proposal on 31 January 2019².
4. Following examination by the ACP Working Party and approval by Coreper³, the Council adopted a partial general approach on 17 May 2019⁴.
5. Since the draft Decision was linked to the Multiannual Financial Framework (MFF) and to the finalisation of the Neighbourhood, Development and International Cooperation Instrument (NDICI), all provisions with budgetary implications or of horizontal nature were set aside, and thus excluded from the partial general approach, pending further progress on the MFF and finalisation of NDICI. In addition, references to third countries, non-ACP countries and territories were also set aside, pending the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union. Those provisions appeared between square brackets in the text of the partial general approach.
6. The withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union on 31 January 2020, the European Council conclusions adopted on 21 July 2020 and the provisional agreement reached on the NDICI in March 2021 allowed for the unbracketing and the finalisation of the text of the draft Council Decision.
7. The ACP Working party reached a provisional agreement on the draft Council Decision at working party level on 17 May 2021.
8. This Council text, taken as a whole, departs substantially from the text of the Commission proposal on which the European Parliament was initially consulted. In accordance with the settled case-law of the Court of Justice, the European Parliament will therefore have to be reconsulted by the Council before the Council adopts the final text.

² OJ C 411, 27.11.2020, p. 698.

³ 8892/19.

⁴ 8944/19.

9. In light of the above, with a view to that consultation, Coreper is invited to:
- decide, under Article 19(7)(h) of the Council's Rules of Procedure, that the European Parliament be re-consulted on the text as set out in document 8656/21;
 - invite the European Parliament, in view of the urgency of the file, to issue its opinion on the Council text as soon as possible and in any event not later than 8 July 2021.
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