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COEST 217  
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#### 'I/A' ITEM NOTE

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From: General Secretariat of the Council  
To: Permanent Representatives Committee/Council

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Subject: 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)  
- Adoption

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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')<sup>1</sup>.
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.

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<sup>1</sup> 10150/18.

3. The European Parliament delivered its opinion on the Commission proposal on 31 January 2019<sup>2</sup>.
4. Following examination by the ACP Working Party and approval by Coreper<sup>3</sup>, the Council adopted a partial general approach on 17 May 2019<sup>4</sup>.
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<sup>5</sup>. This Council text, taken as a whole, departed substantially from the text of the Commission proposal on which the European Parliament had been initially consulted. In accordance with the settled case-law of the Court of Justice, the European Parliament was therefore consulted again by the Council.
8. The European Parliament delivered its opinion on the draft Council Decision on 14 September 2021, in which it approved the draft Council Decision, as provisionally agreed at Working Party level on 17 May 2021.

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<sup>2</sup> OJ C 411, 27.11.2020, p. 698.

<sup>3</sup> 8892/19.

<sup>4</sup> 8944/19.

<sup>5</sup> 8656/21.

9. The Permanent Representatives Committee is accordingly invited to recommend that the Council at one of its upcoming meetings:

- adopt the 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 ('Overseas Association Decision'), as set out after finalisation by the Legal/Linguistic experts in document 8988/21;
  - order the publication of the Council Decision in the Official Journal of the European Union.
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