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PROPOSAL

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	9 September 2025
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2025) 475 final
Subject:	Proposal for a COUNCIL DECISION on the approval of amendments to the International Cocoa Agreement

Delegations will find attached document COM(2025) 475 final.

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EUROPEAN
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Proposal for a

COUNCIL DECISION

on the approval of amendments to the International Cocoa Agreement

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

The present proposal concerns the approval on behalf of the European Union of the 2022 amendments to the 2010 International Cocoa Agreement.

The International Cocoa Agreement aims to strengthen the global cocoa sector and promote its economically, socially and environmentally sustainable development.

The European Union is a party to the International Cocoa Agreement 2010¹ and a Member of the International Cocoa Organization. The 2010 International Cocoa Agreement provisionally entered into force on 1 October 2012 for a period of ten years until 30 September 2022. At its 108th regular session, which took place from 2 to 6 October 2023, the International Cocoa Council, exercising the power conferred upon it by Article 62(4) of the 2010 International Cocoa Agreement, decided to extend the agreement for a period of two cocoa years until 30 September 2026².

A partial review to reform the International Cocoa Agreement, 2010 was necessary and clearly in the interest of the Union to further align it with the practices the Union fosters in other international commodity boards, and to take developments in the global cocoa market since 2010 into consideration. The International Cocoa Agreement, 2010 as amended, 2022 is the result of the review of the implementation of the International Cocoa Agreement, 2010 and the need for it to be more forward-looking and better adapted to meet current challenges facing the world cocoa economy. It includes some major changes: 1. An indefinite duration of the Agreement (subject to review every five years), to bring more stability and sustainability to initiatives implemented under the Agreement 2. Realignment of the provisions of the Agreement with the Sustainable Development Goals (SDGs) to ensure an accelerated development of the world cocoa economy 3. Introduction of a key objective in the Agreement with respect to achieving a living income for cocoa farmers and a reference to remunerative prices to reach economic sustainability 4. Three new articles outlining specific measures to be carried out under the economic, social, and environmental pillars of sustainability 5. Reinvigorating attention on value addition, premium quality, and food safety 6. Supporting research and innovation in the cocoa value chain and expanding cooperation with more donor agencies for financing of cocoa development projects.

The Commission negotiated the amendments to the 2010 Cocoa Agreement on behalf of the Union³.

In the light of the discussions and the content of the new instrument, the Commission, considers that the amended Agreement should be concluded on behalf of the Union and that the notification of acceptance of the amendment, as per Article 63(1) of the 2010 Cocoa

¹ Council Decision of 17 May 2011 on the signing, on behalf of the European Union, and provisional application of the International Cocoa Agreement 2010, OJ L 259, 4.10.2011, p. 7; 2012/189/EU: Council Decision of 26 March 2012 on the conclusion of the International Cocoa Agreement 2010, OJ L 102, 12.4.2012, p. 1.

² Council Decision (EU) 2021/924 of 3 June 2021 on the position to be adopted on behalf of the European Union within the International Cocoa Council as regards the extension of the International Cocoa Agreement 2010 OJ L 203, 9.6.2021, p. 8.

³ Recommendation for a Council Decision authorising the opening of negotiations to amend the International Cocoa Agreement 2010, COM(2021) 119 final & Council Decision (EU) 2021/675 of 20 April 2021 authorising the opening of negotiations to amend the International Cocoa Agreement 2010 OJ L 144, 27.4.2021, p. 1.

Agreement, be deposited with the Secretary-General of the United Nations, who is designated as Depositary as per Article 52 of the 2010 International Cocoa Agreement.

Pursuant to Article 63(1) of the 2010 Cocoa Agreement, the amendment shall become effective 100 days after the Depositary has received notifications of acceptance from Contracting Parties representing at least 75 per cent of the exporting Members holding at least 85 per cent of the votes of the exporting Members, and from Contracting Parties representing at least 75 per cent of the importing Members holding at least 85 per cent of the votes of the importing Members, or on such later date as the Council may have determined.

During the 111th regular session held on 8-10 April 2025, the International Cocoa Council decided to extend until 22 June 2026 the deadline for the Contracting parties to deposit their letters of notification of acceptance of the amendments.

- **Consistency with existing policy provisions in the policy area**

The amendment was negotiated in line with the comprehensive negotiating directives adopted by the Council on 20 April 2021 on the recommendation from the Commission for a Council decision authorising the opening of negotiations to amend the International Cocoa Agreement, 2010 between the European Union and the other Members of the International Cocoa Organization.

The amended Agreement is also fully in line with the European Green Deal⁴.

- **Consistency with other Union policies**

The amended Agreement is fully in line with the Global Gateway strategy⁵. Indeed, the Global Gateway stands for sustainable and trusted connections that work for people and the planet. It helps to tackle the most pressing global challenges, from fighting climate change, to improving health systems, and boosting competitiveness and security of global supply chains.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

The proposed legal basis is Article 207(3) and Article 207(4) in conjunction with Article 218(6) second subparagraph, point (a) of the Treaty on the Functioning of the European Union (TFEU).

- **Subsidiarity (for non-exclusive competence)**

Not Applicable

- **Proportionality**

The conclusion of the amended International Cocoa Agreement, does not go beyond what is necessary to achieve its aims.

- **Choice of the instrument**

This proposal is in accordance with Article 218(6) TFEU, which envisages the adoption by the Council of Decisions related to the conclusion of international agreements on behalf of the EU.

⁴ https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/european-green-deal_en.

⁵ https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/stronger-europe-world/global-gateway_en.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Ex-post evaluations/fitness checks of existing legislation**

Not Applicable

- **Stakeholder consultations**

Not Applicable

- **Collection and use of expertise**

Not Applicable

- **Impact assessment**

Not Applicable

- **Regulatory fitness and simplification**

Not Applicable

- **Fundamental rights**

Not Applicable

4. BUDGETARY IMPLICATIONS

The contribution of the EU to the administrative budget of the International Cocoa Organization for each financial year will be paid from the NDICI-Global Europe instrument.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

Not Applicable

- **Detailed explanation of the specific provisions of the proposal**

Not Applicable

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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 (4) in conjunction with Article 218(6) second subparagraph, point (a) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament¹,

Whereas:

- (1) The European Union is a party to the International Cocoa Agreement 2010² and a Member of the International Cocoa Organization.
- (2) The Commission negotiated the amendments on the basis of the negotiating mandate and directives proposed by the Commission³ and approved by the Council on 20 April 2021⁴.
- (3) The text of the International Cocoa Agreement, as amended ('the amended Agreement') has been approved by the International Cocoa Council at its 106th regular session held from 27 - 29 September 2022. The amendment was negotiated to modify the International Cocoa Agreement 2010 ('the 2010 Agreement') which has been extended until 30 September 2026.
- (4) The aims of the amended Agreement fall under the common commercial policy.
- (5) The amendments to the International Cocoa Agreement should be approved on behalf of the European Union.

HAS ADOPTED THIS DECISION:

Article 1

The amendments to the International Cocoa Agreement are hereby approved on behalf of the European Union⁵.

¹ OJ C [...], [...], p. [...].

² Council Decision of 17 May 2011 on the signing, on behalf of the European Union, and provisional application of the International Cocoa Agreement 2010, OJ L 259, 4.10.2011, p. 7; 2012/189/EU: Council Decision of 26 March 2012 on the conclusion of the International Cocoa Agreement 2010, OJ L 102, 12.4.2012, p. 1.

³ Recommendation for a Council Decision authorising the opening of negotiations to amend the International Cocoa Agreement 2010, COM(2021) 119 final.

⁴ Council Decision (EU) 2021/675 of 20 April 2021 authorising the opening of negotiations to amend the International Cocoa Agreement 2010 OJ L 144, 27.4.2021, p. 1.

⁵ The text of the Agreement is published in OJ L XXXXX.

Article 2

Entry into force

The Decision shall enter into force on the day of its adoption.

Done at Brussels,

For the Council

The President

[...]