



Council of the
European Union

Brussels, 28 July 2014
(OR. en)

12220/14

ACP 126
WTO 216
UD 185
DELECT 139

COVER NOTE

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	25 July 2014
To:	Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union
No. Cion doc.:	C(2014) 5210 final
Subject:	COMMISSION DELEGATED REGULATION (EU) No .../.. of 25.7.2014 amending Annex I to Council Regulation (EC) No 1528/2007 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 Agreements, as amended by Regulation (EU) No 38/2014 of the European Parliament and of the Council of 15 January 2014 amending certain regulations relating to the common commercial policy as regards the granting of delegated and implementing powers for the adoption of certain measures

Delegations will find attached document C(2014) 5210 final.

Encl.: C(2014) 5210 final



Brussels, 25.7.2014
C(2014) 5210 final

COMMISSION DELEGATED REGULATION (EU) No .../..

of 25.7.2014

amending Annex I to Council Regulation (EC) No 1528/2007 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 Agreements, as amended by Regulation (EU) No 38/2014 of the European Parliament and of the Council of 15 January 2014 amending certain regulations relating to the common commercial policy as regards the granting of delegated and implementing powers for the adoption of certain measures

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Regulation (EC) No 1528/2007 (Market Access Regulation) governs the EU duty-free quota-free import regime for 36 African, Caribbean and Pacific countries that have negotiated Economic Partnership Agreements with the EU. The Market Access Regulation is a bridging solution for countries which have concluded negotiations on interim Economic Partnership Agreements but have not yet ratified them. In order to avoid a disruption in trade, the Regulation anticipates the duty-free quota-free access that the EU offers in these agreements while the countries concerned move towards ratification.

To ensure that countries can swiftly be added into Annex I to the Market Access Regulation after they have concluded negotiations on Economic Partnership Agreements with the EU, and pending entry into force thereof, the power to adopt delegated acts was delegated to the Commission in accordance with Articles 2(2) and 24a of the Market Access Regulation.

Botswana, Cameroon, Côte d'Ivoire, Fiji, Ghana, Kenya, Namibia and Swaziland had not taken the necessary steps towards ratification of their respective Agreement. Consequently, in accordance with Article 2(3) of Regulation (EC) No 1528/2007, and in particular point (b) thereof, Annex I to that Regulation was amended by Regulation (EU) No 527/2013 of the European Parliament and of the Council. Those countries ceased to be covered by the market access arrangement permitted under Regulation (EC) No 1528/2007, as from 1 October 2014.

However, Botswana, Côte d'Ivoire, Ghana, Namibia and Swaziland have now concluded negotiations on an Economic Partnership Agreement with the EU and meet, therefore, the condition of Article 2(2) of the Regulation. Consequently, Botswana, Côte d'Ivoire, Ghana, Namibia and Swaziland shall be added to Annex I to the Market Access Regulation.

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.

Following the date of application of the present Regulation, the addition of Botswana, Côte d'Ivoire, Ghana, Namibia and Swaziland to Annex I to the Market Access Regulation will be subject to the conditions of Article 2(3) of the Regulation, in particular point (b) thereof. Therefore, the Commission will take appropriate action to remove from Annex I those countries which will not have ratified their agreement by 1 October 2016.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

In line with paragraph 4 of the Common Understanding on delegated acts between the European Parliament, the Council and the European Commission, appropriate and transparent consultations, including at expert level, have been carried out on this delegated act.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

Articles 2(2) and 24a of the Market Access Regulation empower the Commission to adopt a delegated act to amend Annex I to this Regulation so as to add states from the ACP Group of States which have concluded negotiations on an Economic Partnership Agreement.

COMMISSION DELEGATED REGULATION (EU) No .../..

of 25.7.2014

amending Annex I to Council Regulation (EC) No 1528/2007 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 Agreements, as amended by Regulation (EU) No 38/2014 of the European Parliament and of the Council of 15 January 2014 amending certain regulations relating to the common commercial policy as regards the granting of delegated and implementing powers for the adoption of certain measures

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1528/2007 of 20 December 2007 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 Agreements¹, as amended by Regulation (EU) No 38/2014 of the European Parliament and of the Council of 15 January 2014 amending certain regulations relating to the common commercial policy as regards the granting of delegated and implementing powers for the adoption of certain measures, and in particular Article 2(2) thereof,

Whereas:

- (1) The list of beneficiary countries of the EU duty-free quota-free import regime is established by Annex I to Regulation (EC) No 1528/2007 ("the Market Access Regulation").
- (2) Botswana, Cameroon, Côte d'Ivoire, Fiji, Ghana, Kenya, Namibia and Swaziland had not taken the necessary steps towards ratification of their respective Agreement and will consequently, in accordance with Article 2(3) of Regulation (EC) No 1528/2007, and in particular point (b) thereof, cease to be covered by the market access arrangement permitted under Regulation (EC) No 1528/2007, as from 1 October 2014. This results from Regulation (EU) No 527/2013.
- (3) Côte d'Ivoire and Ghana, and the European Union and its Member States, concluded negotiations on an Economic Partnership Agreement on 30.06.2014.
- (4) Botswana, Namibia and Swaziland, and the European Union and its Member States, concluded negotiations on an Economic Partnership Agreement on 15.07.2014.

¹ OJ L 348 of 31.12.2007, p. 1

- (5) The Commission is empowered to adopt delegated acts in accordance with Article 24a of Regulation (EC) No 1528/2007 to amend Annex I to that Regulation so as to add regions or states from the ACP Group of States that have concluded negotiations on an agreement between the European Union and which meets the requirements of Article XXIV GATT 1994.
- (6) Following the date of application of this Regulation, the addition of Botswana, Côte d'Ivoire, Ghana, Namibia and Swaziland to Annex I to the Market Access Regulation will be subject to the conditions of Article 2(3) of that Regulation and in particular point (b) thereof,

HAS ADOPTED THIS REGULATION:

Article 1

Adding countries to Annex I

In Annex I to Regulation (EC) No 1528/2007 the following countries are inserted:

The Republic of Botswana;

The Republic of Côte d'Ivoire;

The Republic of Ghana;

The Republic of Namibia;

The Kingdom of Swaziland.

Article 2

Entry into force

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 October 2014.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 25.7.2014

For the Commission
The President
José Manuel BARROSO