



Council of the  
European Union

Brussels, 28 July 2014  
(OR. en)

12223/14

ACP 128  
WTO 218  
UD 187  
DELECT 142

#### COVER NOTE

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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) 5214 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 527/2013 of the European Parliament and of the Council of 21 May 2013 as regards the exclusion of a number of countries from the list of regions or states which have concluded negotiations

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Delegations will find attached document C(2014) 5214 final.

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Encl.: C(2014) 5214 final



Brussels, 25.7.2014  
C(2014) 5214 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 527/2013 of the European Parliament and of the Council of 21 May 2013 as regards the exclusion of a number of countries from the list of regions or states which have concluded negotiations**

## **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 concluded Economic Partnership Agreements in 2007. The Market Access Regulation was a bridging solution for the countries that had concluded Economic Partnership Agreements but not yet ratified them. In order to avoid a disruption in trade, the Regulation anticipated the duty-free quota-free access that the EU offered in these agreements while the 36 countries moved towards ratification.

The Regulation was conceived as a temporary solution and not a permanent facility. More than five years of application had provided sufficient time for ratification or further negotiation. Therefore, Regulation (EU) No 527/2013 withdrew the Market Access Regulation for those countries that had not taken the necessary steps towards ratifying the Economic Partnership Agreements concluded with the EU by deleting them from Annex I to Regulation (EC) No 1528/2007.

To ensure that countries can swiftly be re-instated in Annex I to Regulation (EC) No 1528/2007 after they have taken the necessary steps towards ratification of their respective Agreements, and pending entry into force thereof, the power to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union was delegated to the Commission. In this respect, the relevant Articles 2a and 2b of Regulation (EU) No 527/2013 will only apply from 1 October 2014 onwards.

Fiji has now taken the necessary steps towards ratification of its Agreement and has notified the Council of the European Union accordingly. Consequently, Fiji shall be re-instated into Annex I to Regulation (EC) No 1528/2007.

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.

### **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 2a and 2b of the Market Access Regulation empower the Commission to adopt a delegated act to re-instate a signatory of an Economic Partnership Agreement into Annex I to this Regulation as soon as it has taken the necessary steps towards ratification of the 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 527/2013 of the European Parliament and of the Council of 21 May 2013 as regards the exclusion of a number of countries from the list of regions or states which have concluded negotiations**

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 Agreements<sup>1</sup>, as amended by Regulation (EU) No 527/2013 of the European Parliament and of the Council of 21 May 2013 as regards the exclusion of a number of countries from the list of regions or states which have concluded negotiations, and in particular Articles 2a and 2b 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) Negotiations on the Economic Partnership Agreement ('the Agreement') between the European Community, of the one part, and the Pacific States, of the other part, were concluded on 23 November 2007.
- (3) 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<sup>2</sup>. Those countries ceased to be covered by the market access arrangement permitted under Regulation (EC) No 1528/2007, as from 1 October 2014.

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<sup>1</sup> OJ L 348 of 31.12.2007, p. 1.

<sup>2</sup> Regulation (EU) No 527/2013 of the European Parliament and of the Council of 21 May 2013 amending Council Regulation (EC) No 1528/2007 as regards the exclusion of a number of countries from the list of regions or states which have concluded negotiations (OJ L 165 of 18.6.2013, p. 59).

- (4) The Commission is empowered to adopt delegated acts in accordance with Articles 2a and 2b of Council Regulation (EC) No 1528/2007 to amend Annex I to that Regulation by re-instating those countries which were removed pursuant to Regulation (EU) No 527/2013, as soon as those countries have taken the necessary steps towards ratification of their respective Agreements.
- (5) Fiji has taken the necessary steps towards ratification of its Agreement and informed the depositary of the agreement of this fact on 17.07.2014,

HAS ADOPTED THIS REGULATION:

*Article 1*

*Re-instatement of a country into Annex I*

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

The Republic of the Fiji Islands.

*Article 2*

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*