



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 5 May 2011

8715/11

**Interinstitutional File:
2011/0077 (NLE)**

**WTO 152
SERVICES 55
COASI 63**

"I/A" ITEM NOTE

from : Trade Policy Committee
to : Permanent Representatives Committee/Council

No. Cion prop. : 8713/11 WTO 150 SERVICES 53 COASI 61

Subject : Council Decision establishing position to be taken by the European Union within the General Council of the World Trade Organization on the accession of the Republic of Vanuatu to the World Trade Organization

1. The Commission submitted on 6 April 2011 to the Council a proposal for a Council Decision establishing position to be taken by the European Union within the General Council of the World Trade Organization on the accession of the Republic of Vanuatu to the World Trade Organization.
2. Following the discussion in the TPC (Full Members) on 8 April 2011, the proposal was slightly amended and it was agreed that a Decision of the Representatives of the Governments of the Member States meeting within the Council would also be adopted by common accord at the same time. All delegations agreed to the modifications suggested by the Presidency, whereas the Commission considered that such modifications were not necessary.

3. It is therefore suggested that the Permanent Representatives Committee invite:

- the Council, as an "A" item at a forthcoming meeting ,to adopt the above-mentioned Decision, as finalised by the Legal Linguistic Experts and as set out in doc. 8714/11 WTO 151 SERVICES 54 COASI 62;
 - the Representatives of the Governments of the Member States meeting within the Council to adopt the Decision, which is set out in Annex I;
 - the Council to decide the inscription in its minutes of a statement by the Commission, as set out in Annex II.
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Decision by the Representatives of the Governments of the Member States meeting within the Council:

The position to be taken by the Member States within the General Council of the WTO on the accession of the Republic of Vanuatu is to approve the accession.

Statement by the Commission

The Commission welcomes the adoption of the Council Decision establishing the EU position in favour of the accession of Vanuatu to the WTO.

The Commission notes that the Council has amended the Commission's proposal for an EU Decision to refer to Article 207 of the Treaty on the Functioning of the European Union in general rather than Article 207(4) first subparagraph, as had been proposed by the Commission. The Commission does not consider that this amendment is legally correct, since it fails to identify precisely which voting rules should apply to the adoption of the decision.

The Commission also notes it is proposed that a Decision of the Representatives of the Governments of the Member States meeting within the Council be adopted by common accord as regards the position of the Member States in the WTO. The Commission notes that it would have been possible to adopt an EU decision which would have rendered such a separate decision unnecessary.
