



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 12 December 2011

**Interinstitutional File:
2011/0331 (NLE)**

**16786/2/11
REV 2**

**WTO 409
SERVICES 123
ACP 222
COASI 205**

"I/A" ITEM NOTE

from : Trade Policy Committee

to : Permanent Representatives Committee/Council

No. Cion prop. : 16785/11 WTO 408 SERVICES 122 ACP 221 COASI 204

Subject : Proposal for a Council Decision establishing the European Union position within the relevant instance of the World Trade Organization on the accession of Samoa to the World Trade Organization

1. The Commission submitted on 11 November 2011 to the Council a proposal for a Council Decision establishing the European Union position within the relevant instance of the World Trade Organization on the accession of Samoa to the World Trade Organization.
2. Following the discussion in the TPC (Deputies) on 18 November 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. 16787/11 WTO 410 SERVICES 124 ACP 223 COASI 206;
 - 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;
 - the Council to decide the inscription in its minutes of a statement by the United Kingdom, as set out in Annex III.
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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 WTO Ministerial Conference on the accession of Samoa 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 Samoa 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 that 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.

Statement by the United Kingdom

The provisions relating to the temporary presence of natural persons for business purposes included in the above Decision only bind the United Kingdom as part of the Union where it has notified its wish to participate in the above Decision in accordance with Protocol No.21 on the position of the United Kingdom and Ireland in respect of the area of Freedom, Security and Justice.
