



Council of the
European Union

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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the signing, on behalf of the European Union, and provisional application of the Economic Partnership Agreement between the West African States, the Economic Community of West African States (ECOWAS) and the West African Economic and Monetary Union (UEMOA), of the one part, and the European Union and its Member States, of the other part

COUNCIL DECISION

of ...

**on the signing, on behalf of the European Union,
and provisional application of the Economic Partnership Agreement
between the West African States,
the Economic Community of West African States (ECOWAS)
and the West African Economic and Monetary Union (UEMOA), of the one part,
and the European Union and its Member States, of the other part**

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) and Article 209(2), in conjunction with Article 218(5), thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 12 June 2002, the Council authorised the Commission to open negotiations for Economic Partnership Agreements with the African, Caribbean and Pacific (ACP) states.
- (2) Economic Partnership Agreements with ACP states are necessary in order to implement the Union's trade and development cooperation policy with those states.
- (3) The negotiations have been concluded and the Economic Partnership Agreement between the West African States (the Republic of Benin, Burkina Faso, the Republic of Cape Verde, the Republic of Côte d'Ivoire, the Republic of Gambia, the Republic of Ghana, the Republic of Guinea, the Republic of Guinea-Bissau, the Republic of Liberia, the Republic of Mali, the Islamic Republic of Mauritania, the Republic of Niger, the Federal Republic of Nigeria, the Republic of Senegal, the Republic of Sierra Leone and the Togolese Republic), the Economic Community of West African States (ECOWAS) and the West African Economic and Monetary Union (UEMOA), of the one part, and the European Union and its Member States, of the other part, (hereinafter referred to as the "EPA") was initialled on 30 June 2014.
- (4) Article 107(3) of the EPA provides for its provisional application pending its entry into force.

- (5) The provisional application of parts of the APE does not prejudge the allocation of competences between the Union and its Member States in accordance with the Treaties.
- (6) The EPA should be signed on behalf of the Union and it should be applied, as regards those elements falling within the competence of the Union, on a provisional basis, subject to the fulfilment of the procedures required for its conclusion at a later date.
- (7) On 17 March 2014 the Council adopted Conclusions on West Africa's EPA Development Programme (PAPED),

HAS ADOPTED THIS DECISION:

Article 1

The signing, on behalf of the Union, of the Economic Partnership Agreement between the West African States, the Economic Community of West African States (ECOWAS) and the West African Economic and Monetary Union (UEMOA), of the one part, and the European Union and its Member States, of the other part (hereinafter the “EPA”), is hereby authorised, subject to its conclusion.

The text of the EPA is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the EPA on behalf of the Union, subject to its conclusion.

Article 3

1. As regards those elements falling within the competence of the Union, the EPA shall be applied on a provisional basis as provided for in Article 107(3) thereof, pending completion of the procedures for conclusion. This does not prejudice the allocation of competences between the Union and its Member States in accordance with the Treaties.
2. The following provisions of the EPA shall not be provisionally applied by the Union:
 - Article 3(4) to the extent that it relates to Member States’ support to the sustainable management of forests;
 - Article 54(2).

3. The Commission shall publish a notice indicating the date of provisional application of the EPA.

Article 4

This Decision shall enter into force on the date of its adoption.

Done at ...,

For the Council
The President
