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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject:	COUNCIL DECISION (EU) on the position to be taken on behalf of the European Union within the ACP-EU Committee of Ambassadors as regards the amendment of Decision No 3/2019 of the ACP-EU Committee of Ambassadors to adopt transitional measures pursuant to Article 95(4) of the ACP-EU Partnership Agreement

COUNCIL DECISION (EU) 2023/…

of …

on the position to be taken on behalf of the European Union within the ACP-EU Committee of Ambassadors as regards the amendment of Decision No 3/2019 of the ACP-EU Committee of Ambassadors to adopt transitional measures pursuant to Article 95(4) of the ACP-EU Partnership Agreement

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 217 in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part[1] (the 'ACP-EU Partnership Agreement') was signed in Cotonou on 23 June 2000 and entered into force on 1 April 2003. In accordance with Decision No 3/2019 of the ACP-EU Committee of Ambassadors[2] (the 'decision on transitional measures'), it is to be applied until 30 June 2023.

(2) Pursuant to Article 95(4), first subparagraph, of the ACP-EU Partnership Agreement, negotiations towards a new ACP-EU Partnership Agreement (the 'new Agreement') were launched in September 2018. The new Agreement will not be ready to be applied by 30 June 2023, the expiry date of the current legal framework. It is therefore necessary to amend the decision on transitional measures in order to further extend the application of the provisions of the ACP-EU Partnership Agreement.

(3) Article 95(4), second subparagraph, of the ACP-EU Partnership Agreement provides for the ACP-EU Council of Ministers to adopt any transitional measures that may be required until the new Agreement comes into force.

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1 OJ L 317, 15.12.2000, p. 3. The ACP-EU Partnership Agreement was amended by the Agreement signed in Luxembourg on 25 June 2005 (OJ L 209, 11.8.2005, p. 27) and by the Agreement signed in Ouagadougou on 22 June 2010 (OJ L 287, 4.11.2010, p. 3).

2 Decision No 3/2019 of the ACP-EU Committee of Ambassadors of 17 December 2019 to adopt transitional measures pursuant to Article 95(4) of the ACP-EU Partnership Agreement (OJ L 1, 3.1.2020, p. 3).

(4) Pursuant to Article 15(4) of the ACP-EU Partnership Agreement, on 23 May 2019, the ACP-EU Council of Ministers delegated the powers to adopt the transitional measures to the ACP-EU Committee of Ambassadors[1]. Therefore it is for the ACP-EU Committee of Ambassadors to amend the transitional measures pursuant to Article 95(4) of the ACP-EU Partnership Agreement.

(5) It is appropriate to establish the position to be taken on the Union's behalf in the ACP-EU Committee of Ambassadors, as the envisaged act will be binding on the Union.

(6) The provisions of the ACP-EU Partnership Agreement will continue to be applied with the aim of maintaining continuity in relations between the Union and its Member States, on the one hand, and the ACP States, on the other. Accordingly, the amended transitional measures are not intended as amendments to the ACP-EU Partnership Agreement as provided for in Article 95(3) thereof,

HAS ADOPTED THIS DECISION:

[1] Decision No 1/2019 of the ACP-EU Council of Ministers of 23 May 2019 on the delegation of powers to the ACP-EU Committee of Ambassadors on the decision to adopt transitional measures pursuant to Article 95(4) of the ACP-EU Partnership Agreement (OJ L 146, 5.6.2019, p. 114).

Article 1

1. The position to be taken on the Union's behalf within the ACP-EU Committee of Ambassadors, pursuant to Article 95(4) of the ACP-EU Partnership Agreement, shall be to amend Decision No 3/2019 of the ACP-EU Committee of Ambassadors in order to extend the application of the provisions of the ACP-EU Partnership Agreement until 31 October 2023, or until the entry into force of the new Agreement or the provisional application between the Union and the ACP States of the new Agreement, whichever comes first.

2. The provisions of the ACP-EU Partnership Agreement shall be applied in line with the purpose and objective of Article 95(4) thereof.

Article 2

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

Done at …,

For the Council
The President