Council of the European Union

Brussels, 27 October 2020
(OR. en)

11657/20

Interinstitutional File:
2020/0121 (NLE)

ACP 109
WTO 237
COASI 116
RELEX 728

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject:	COUNCIL DECISION on the conclusion of the Agreement amending the Interim Partnership Agreement between the European Community, of the one part, and the Pacific States, of the other part, as regards the accessions of the Independent State of Samoa and Solomon Islands, and future accessions of other Pacific Island States

COUNCIL DECISION (EU) 2020/…

of …

on the conclusion of the Agreement amending the Interim Partnership Agreement between the European Community, of the one part, and the Pacific States, of the other part, as regards the accessions of the Independent State of Samoa and Solomon Islands, and future accessions of other Pacific Island States

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207(4), first subparagraph, in conjunction with Article 218(6), second subparagraph, point (a)(v), thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament[1+],

[1] Consent of … (not yet published in the Official Journal).
[+] OJ: please complete the above footnote.

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) Group of States.

(2) The Interim Partnership Agreement between the European Community, of the one part, and the Pacific States, of the other part[1] (the 'Interim Partnership Agreement'), which establishes a framework for an economic partnership agreement, was signed at London on 30 July 2009 and at Copenhagen on 11 December 2009. The Interim Partnership Agreement has been provisionally applied between the Union and Papua New Guinea since 20 December 2009 and between the Union, Papua New Guinea and Fiji since 28 July 2014.

(3) Article 80 of the Interim Partnership Agreement provides for the accession of the other Pacific Island States. By means of Decisions (EU) 2018/1908[2] and (EU) 2020/409[3], the Council approved the accessions of Samoa and Solomon Islands, respectively, to the Interim Partnership Agreement. Samoa acceded to the Interim Partnership Agreement on 21 December 2018 and has provisionally applied it since 31 December 2018. Solomon Islands acceded to the Interim Partnership Agreement on 7 May 2020 and has provisionally applied it since 17 May 2020.

---

1 OJ L 272, 16.10.2009, p. 2.

2 Council Decision (EU) 2018/1908 of 6 December 2018 on the accession of Samoa to the Interim Partnership Agreement between the European Community, of the one part, and the Pacific States, of the other part (OJ L 333, 28.12.2018, p. 1).

3 Council Decision (EU) 2020/409 of 17 February 2020 on the accession of Solomon Islands to the Interim Partnership Agreement between the European Community, of the one part, and the Pacific States, of the other part (OJ L 85, 20.3.2020, p. 1).

(4) Following the accessions of Samoa and Solomon Islands, it is necessary, for the sake of legal certainty, to amend the Interim Partnership Agreement in order to list those countries as Parties to the Interim Partnership Agreement. A similar amendment needs to be made to the Interim Partnership Agreement each time a Pacific Island State accedes to the Interim Partnership Agreement.

(5) Article 68 of the Interim Partnership Agreement establishes a Trade Committee that is to deal with all matters necessary for the implementation of the Interim Partnership Agreement. It is appropriate to empower the Trade Committee to decide on any amendment to the Interim Partnership Agreement that might be necessary following the accession of other Pacific Island States.

(6) By means of Decision (EU) 2019/1707[1], the Council decided on the position to be taken on behalf of the Union in the Trade Committee as regards the necessary amendments, which were agreed upon at the seventh meeting of the Trade Committee held on 4 October 2019.

---

1 Council Decision (EU) 2019/1707 of 17 June 2019 on the position to be taken, on behalf of the European Union, in the Trade Committee established under the Interim Partnership Agreement between the European Community, of the one part, and the Pacific States, of the other part, as regards a recommendation for certain amendments to be made to the Agreement to take account of the accession of Samoa and of future accessions of other Pacific Island States (OJ L 260, 11.10.2019, p. 45).

(7) In accordance with Council Decision (EU) 2020/ …[1+], the Agreement amending the Interim Partnership Agreement between the European Community, of the one part, and the Pacific States, of the other part, as regards the accessions of the Independent State of Samoa and Solomon Islands, and future accessions of other Pacific Island States ('the Amending Agreement') was signed on …[++], subject to its conclusion at a later date.

(8) The Amending Agreement should be approved,

HAS ADOPTED THIS DECISION:

---

1 Council Decision (EU) 2020/… of … on the signing and provisional application of the Agreement amending the Interim Partnership Agreement between the European Community, of the one part, and the Pacific States, of the other part, as regards the accessions of the Independent State of Samoa and Solomon Islands, and future accessions of other Pacific Island States (OJ L …, …, p. …).

+ OJ: Please insert in the text the number of the decision in document ST 11656/20 and complete the corresponding footnote.

++ OJ: Please insert the date of signing of the Amending Agreement in document ST 11669/20.

Article 1

The Agreement amending the Interim Partnership Agreement between the European Community, of the one part, and the Pacific States, of the other part, as regards the accessions of the Independent State of Samoa and Solomon Islands, and future accessions of other Pacific Island States is hereby approved on behalf of the European Union.[1]

Article 2

In accordance with Article 2 of the Amending Agreement, the President of the Council shall, on behalf of the Union, give the notification provided for in Article 76(1) of the Interim Partnership Agreement.[2]

Article 3

The amendments of the Interim Partnership Agreement shall not be construed as conferring rights or imposing obligations which can be directly invoked before Union or Member State courts or tribunals.

---

1 The text of the Amending Agreement is published in … [insert OJ reference].

2 The date of entry into force of the Amending Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

Article 4

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

Done at …,

For the Council
The President