Council of the European Union

Brussels, 17 November 2020
(OR. en)

12375/20

Interinstitutional File:
2020/0284 (NLE)

ACP 123
WTO 290
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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject:	COUNCIL DECISION on the position to be adopted on behalf of the European Union within the Joint Council established by the Economic Partnership Agreement between the European Union and its Member States, of the one part, and the SADC EPA States, of the other part, as regards the adjustment of certain reference quantities set out in Annex IV to that Agreement

COUNCIL DECISION (EU) 2020/…

of …

on the position to be adopted on behalf of the European Union within the Joint Council established by the Economic Partnership Agreement between the European Union and its Member States, of the one part, and the SADC EPA States, of the other part, as regards the adjustment of certain reference quantities set out in Annex IV to that Agreement

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 207(4), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The Economic Partnership Agreement between the European Union and its Member States, of the one part, and the SADC EPA States, of the other part[1] ('the Agreement'), was signed by the Union and its Member States on 10 June 2016.

(2) Pending its entry into force, the Agreement has been provisionally applied between the Union and its Member States, of the one part, and the Republic of Botswana, the Kingdom of Lesotho, the Republic of Namibia, the Republic of South Africa and the former Kingdom of Swaziland, now the Kingdom of Eswatini, of the other part, since 10 October 2016, and between the Union and its Member States, of the one part, and the Republic of Mozambique, of the other part, since 4 February 2018.

(3) Pursuant to Article 102(1) of the Agreement, the Joint SADC EPA States — EU Council ('Joint Council') has the power to take decisions in respect of all matters covered by the Agreement.

(4) Article 35 of the Agreement provides for the possibility for the Southern African Customs Union ('SACU') to apply a safeguard measure in the form of an import duty if, during any given twelve-month period, the volume of imports into SACU of an agricultural product listed in Annex IV to the Agreement and originating in the Union exceeds the reference quantity indicated for that product in that Annex.

[1] OJ L 250, 16.9.2016, p. 3.

(5) Footnote 1 to Annex IV to the Agreement provides for the proportional adjustment of certain reference quantities for the tariff lines indicated by an asterisk, if the date of entry into force of the Agreement is after 2015.

(6) It is appropriate to establish the position to be adopted on the Union's behalf within the Joint Council as the decision of the Joint Council on the adjustment of certain reference quantities set out in Annex IV to the Agreement will be binding upon the Union,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted on the Union's behalf within the Joint SADC EPA States — EU Council ('Joint Council') established by the Economic Partnership Agreement between the European Union and its Member States, of the one part, and the SADC EPA States, of the other part ('the Agreement'), as regards the adjustment, for the purposes of Article 35 of the Agreement, of certain reference quantities of the products listed in Annex IV to the Agreement and indicated by an asterisk, shall be based on the corresponding draft decision of the Joint Council[1].

Article 2

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

Done at Brussels,

For the Council
The President

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[1] See document ST 12376/20 at http://register.consilium.europa.eu.