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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the signing, on behalf of the Union, and provisional application of the Partnership Agreement between the European Union and its Member States, of the one part, and the Common Market of the South, the Argentine Republic, the Federative Republic of Brazil, the Republic of Paraguay and the Oriental Republic of Uruguay, of the other part

COUNCIL DECISION (EU) .../...

of ...

**on the signing, on behalf of the Union,
and provisional application of the Partnership Agreement
between the European Union and its Member States, of the one part,
and the Common Market of the South, the Argentine Republic,
the Federative Republic of Brazil, the Republic of Paraguay
and the Oriental Republic of Uruguay, 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 Articles 91(1), 100(2), Article 207(4), first subparagraph, Article 209(2) and Article 212, in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 13 September 1999, the Council authorised the Commission to open negotiations with the Common Market of the South ('MERCOSUR') and its State Parties for an agreement consisting of political, cooperation and trade parts. The negotiations were successfully concluded on 6 December 2024.
- (2) Therefore, the Partnership Agreement between the European Union and its Member States, of the one part, and the Common Market of the South, the Argentine Republic, the Federative Republic of Brazil, the Republic of Paraguay and the Oriental Republic of Uruguay, of the other part (the 'Agreement') should be signed.
- (3) Certain provisions of the Agreement should be applied on a provisional basis, pending its entry into force, between the Union, of the one part, and MERCOSUR and/or one or more of the Signatory MERCOSUR States which are Parties to the Agreement (the 'Signatory MERCOSUR States'), of the other part, in accordance with Article 30.2 thereof.
- (4) The signing of the Agreement on behalf of the Union does not affect the allocation of competences between the Union and its Member States. This Decision should not be interpreted as making use of the possibility for the Union to exercise its external competence with regard to areas covered by the Agreement falling within shared competence to the extent that such competence has not yet been exercised internally by the Union.

- (5) The Agreement, in accordance with Article 30.9 thereof, does not, within the Union, confer rights or impose obligations on persons, other than those created between the Parties under public international law,

HAS ADOPTED THIS DECISION:

Article 1

The signing on behalf of the Union of the Partnership Agreement between the European Union and its Member States, of the one part, and the Common Market of the South, the Argentine Republic, the Federative Republic of Brazil, the Republic of Paraguay and the Oriental Republic of Uruguay, of the other part, is hereby authorised, subject to the conclusion of that Agreement¹⁺.

Article 2

1. Pending its entry into force, the following parts shall be applied on a provisional basis between the Union, of the one part, and MERCOSUR and/or one or more of the Signatory MERCOSUR States, of the other part, in accordance with Article 30.2 of the Agreement and subject to the notifications provided for therein:
 - Chapter 1 of the Agreement, with the exception of Article 1.4, point (d);
 - Chapter 2 of the Agreement, with the exception of Article 2.2(4), Article 2.3(5) and Article 2.4(5);
 - Chapter 3 of the Agreement, with the exception of Article 3.2(3) to (8);
 - Chapter 4 of the Agreement, with the exception of Article 4.1(2), point (m);
 - Chapter 5 of the Agreement, with exception of Article 5.3(3), point (b);

¹ The text of the Agreement is published in OJ L, ..., ELI: ...
⁺ Delegations/OJ: see document ST 12450/25 + ADDs.

- Chapter 6 of the Agreement, with the exception of Article 6.6 (consular protection);
- Chapter 7 of the Agreement;
- Chapter 8 of the Agreement, with the exception of Article 8.4 (tax matters);
- Chapter 30 of the Agreement, with the exception of Article 30.1(1), Article 30.4(2), Article 30.5(2) and Article 30.6(5); and
- The Protocol on Cooperation, as attached to the Agreement.

2. The date from which the parts referred to in paragraph 1 are to be applied on a provisional basis shall be published in the *Official Journal of the European Union*.

Article 3

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

Done at ..., ...

For the Council
The President
