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ACP 101
WTO 89
COASI 121
RELEX 1277
UD 229

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION supplementing Decision (EU) 2020/2059 and establishing the position to be taken on behalf of the European Union within 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 the amendment of certain provisions of Protocol II concerning the definition of the concept of 'originating products' and methods of administrative cooperation, as regards cumulation with neighbouring developing countries

COUNCIL DECISION (EU) 2025/...

of ...

**supplementing Decision (EU) 2020/2059
and establishing the position to be taken on behalf of the European Union
within 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 the amendment of certain provisions of Protocol II
concerning the definition of the concept of ‘originating products’
and methods of administrative cooperation,
as regards cumulation with neighbouring developing countries**

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(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Interim Partnership Agreement between the European Community, of the one part, and the Pacific States, of the other part¹ (the ‘Agreement’), signed on 30 July 2009, established a framework for an Economic Partnership Agreement. The Agreement has been provisionally applied by the Independent State of Papua New Guinea and the Republic of Fiji since 20 December 2009 and 28 July 2014 respectively. Following their accession to the Agreement, the Independent State of Samoa and the Solomon Islands have also been provisionally applying the Agreement since 31 December 2018 and 17 May 2020 respectively.
- (2) Pursuant to Article 68 of the Agreement and Article 41 of Protocol II concerning the definition of the concept of ‘originating products’ and methods of administrative cooperation (‘Protocol II’), the Trade Committee established under the Agreement (the ‘EU-Pacific Trade Committee’) may decide to amend the provisions of Protocol II.
- (3) Council Decision (EU) 2020/2059² established the position to be taken on behalf of the Union in the eighth meeting of the EU-Pacific Trade Committee. The position to be taken on behalf of the Union was contained in a draft decision of the EU-Pacific Trade Committee attached to that Decision.

¹ OJ L 272, 16.10.2009, p. 2, ELI: http://data.europa.eu/eli/agree_international/2009/729/oj.

² Council Decision (EU) 2020/2059 of 7 December 2020 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 the amendment of certain provisions of Protocol II concerning the definition of the concept of ‘originating products’ and methods of administrative cooperation (OJ L 424, 15.12.2020, p. 21, ELI: <http://data.europa.eu/eli/dec/2020/2059/oj>).

- (4) The Republic of Fiji and the Independent State of Samoa raised last minute reservations with regard to the position to be taken and requested maintaining in Protocol II the provisions related to cumulation with neighbouring developing countries. Consequently, the draft decision of the EU-Pacific Trade Committee attached to Decision (EU) 2020/2059 was not adopted by the EU-Pacific Trade Committee in its eighth meeting.
- (5) The draft decision of the EU-Pacific Trade Committee attached to Decision (EU) 2020/2059 should therefore be supplemented to insert the provisions related to cumulation with neighbouring developing countries, thereby reinserting the provisions contained in the original version of Protocol II.
- (6) It is appropriate to establish the position to be taken on the Union's behalf at the 11th meeting of the EU-Pacific Trade Committee as regards the amendment of certain provisions of Protocol II.
- (7) The position of the Union within the EU-Pacific Trade Committee should therefore be based on the draft decision of the EU-Pacific Trade Committee attached to Decision (EU) 2020/2059 as supplemented by the draft decision of the EU-Pacific Trade Committee attached to this Decision,

HAS ADOPTED THIS DECISION:

Article 1

The draft decision of 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 (the ‘EU-Pacific Trade Committee’) attached to Decision (EU) 2020/2059 is supplemented in accordance with the draft decision of the EU-Pacific Trade Committee attached to this Decision.

Article 2

The position to be taken on the Union’s behalf at the 11th meeting of the EU-Pacific Trade Committee shall be based on the draft decision of the EU-Pacific Trade Committee attached to Decision (EU) 2020/2059 as supplemented by the draft decision of the EU-Pacific Trade Committee attached to this Decision.

Article 3

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

Done at ..., ...

For the Council

The President
