II

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is not obligatory)

DECISIONS

COUNCIL

COUNCIL DECISION

of 5 May 2009

on the signature and provisional application of the Interim Agreement with a view to an Economic Partnership Agreement between the European Community and its Member States, of the one part, and the SADC EPA States, of the other part

(2009/850/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 57(2), 133 and 181 in conjunction with the first sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) On 12 June 2002 the Council authorised the Commission to open negotiations to conclude Economic Partnership Agreements with ACP countries.

(2) These negotiations for an interim agreement with a view to an Economic Partnership Agreement (hereinafter referred to as the 'interim agreement with a view to an EPA') have been concluded and the interim agreement with a view to an EPA between the European Community and its Member States, of the one part, and the SADC EPA States, of the other part (comprising Botswana, Lesotho, Namibia, Swaziland and Mozambique), was initialled on 23 November 2007 and on 12 December 2007 for Namibia.

(3) Article 105(4) of the interim agreement with a view to an EPA provides for its provisional application pending its entry into force.

(4) The interim agreement with a view to an EPA should be signed on behalf of the Community and applied, as concerns elements falling within the competence of the Community, on a provisional basis subject to its conclusion at a later date,

HAS DECIDED AS FOLLOWS:

Article 1

The signing of the interim agreement with a view to an Economic Partnership Agreement between the European Community and its Member States and the SADC EPA States is hereby approved on behalf of the Community, subject to the Council Decision concerning the conclusion of the said interim agreement with a view to an EPA.

The text of the interim agreement with a view to an EPA is attached to this Decision.

Article 2

The position to be taken by the Community within the Joint SADC EPA States-EC Council and the SADC EPA States-EC Trade and Development Committee shall be determined by the Council on the basis of a proposal by the Commission in accordance with the corresponding provisions of the Treaty.

Article 3

The President of the Council is hereby authorised to designate the person(s) empowered to sign the interim agreement with a view to an EPA on behalf of the European Community subject to its conclusion.

Article 4

As concerns elements falling within the competence of the Community, the interim agreement with a view to an EPA shall be applied on a provisional basis as provided for in Article 105(4) thereof, pending completion of the procedures necessary for its conclusion. The Commission will publish a notice providing information on the date of provisional application.

Done at Brussels, 5 May 2009.

For the Council
The President
M. KALOUSEK