DECISIONS

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

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207(3) and 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) On 30 July 2009, the Union signed the Interim Partnership Agreement between the European Community, of the one part, and the Pacific States, of the other part ([1]) (the 'Agreement'), which establishes a framework for an Economic Partnership Agreement. The Agreement has been provisionally applied by the Independent State of Papua New Guinea and by the Republic of Fiji since 20 December 2009 and 28 July 2014, respectively.

(2) Article 80 of the Agreement provides that other Pacific Island States party to the Cotonou Agreement ([2]) or Pacific Islands whose structural characteristics and economic and social situation are comparable to those of the countries which are Parties to the Cotonou Agreement may accede to the Agreement on the basis of the submission of a GATT 1994 Article XXIV compliant market access offer. On 5 February 2018, the Independent State of Samoa (Samoa) submitted to the Contracting Parties an accession request together with a GATT 1994 Article XXIV compliant market access offer for decision.

(3) During the sixth Trade Committee meeting on 24 October 2018, representatives of the Union and of the Pacific States drew up a list of technical modifications to the Agreement that are necessary in order to take account of the accession of Samoa to the Agreement. The representatives of the Union and of the Pacific States concluded that those modifications would entail listing Samoa as a Contracting Party to the Agreement and adding Samoa's market access offer to Annex II to the Agreement. Similar changes to the Agreement would be necessary each time another Pacific Island State accedes to the Agreement.

(4) By Decision (EU) 2018/1908 of 6 December 2018 ([3]), the Council approved Samoa's accession request. The text of Samoa's market access offer was attached to that Decision ([4]). Samoa acceded to the Agreement on 21 December 2018 and has provisionally applied the Agreement since 31 December 2018.

(5) Article 68 of the Agreement provides that the Trade Committee is to deal with all matters necessary for the implementation of the Agreement. It is necessary to empower the Trade Committee to decide on any technical modification to the Agreement that might be necessary following the accession of another Pacific Island State.

(6) The seventh meeting of the Trade Committee is to be held on 24 July 2019, where the Trade Committee will be able, pursuant to Article 78 of the Agreement, to recommend that the Parties introduce amendments to the Agreement in order to take account of the accession of Samoa and of the future accessions of other Pacific Island States to the Agreement.

(7) The Union should determine the position to be taken as regards the recommendation for such amendments.

([1]) Council Decision 2009/729/EC of 13 July 2009 on the signature and provisional application of the Interim Partnership Agreement between the European Community, of the one part, and the Pacific States, of the other part (OJ L 272, 16.10.2009, p. 1).
([2]) Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part, as last amended (OJ L 317, 15.12.2000, p. 3).
([3]) 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).
([4]) OJ L 333, 28.12.2018, p. 3.

(8) The position of the Union within the seventh meeting of the Trade Committee should therefore be based on the attached draft Recommendation,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on behalf of the Union in the Trade Committee at its seventh meeting as regards the recommendation for certain amendments to the Interim Partnership Agreement between the European Community, of the one part, and the Pacific States, of the other part, to take account of the accession of Samoa and of the future accessions of other Pacific Island States shall be based on the draft Recommendation of the Trade Committee attached to this Decision ([5]).

Article 2

After its adoption, the Recommendation of the Trade Committee 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 Luxembourg, 17 June 2019.

For the Council
The President
F. MOGHERINI

([5]) The text of Annex II (Customs Duties Applicable on Imports into the Independent State of Samoa) to the Agreement is published in OJ L 333, 28.12.2018, p. 3.

DRAFT

RECOMMENDATION No 01/2019 OF THE TRADE COMMITTEE SET UP BY THE INTERIM PARTNERSHIP AGREEMENT BETWEEN THE EUROPEAN COMMUNITY, OF THE ONE PART, AND THE PACIFIC STATES, OF THE OTHER PART

of …

as regards the accession of Samoa and the future accessions of other Pacific Island States

THE TRADE COMMITTEE,

Having regard to the Interim Partnership Agreement between the European Community, of the one part, and the Pacific States, of the other part ([1]) (the 'Agreement'), which establishes a framework for an Economic Partnership Agreement, signed in London on 30 July 2009 and in particular Articles 68, 78 and 80 thereof,

Whereas:

(1) The Independent State of Papua New Guinea and the Republic of Fiji signed the Agreement on 30 July 2009 and 11 December 2009 respectively and have been provisionally applying the Agreement since 20 December 2009 and 28 July 2014 respectively.

(2) On 5 February 2018, the Independent State of Samoa (Samoa) submitted to the Contracting Parties an accession request together with a GATT 1994 Article XXIV compliant market access offer for decision. Samoa acceded to the Agreement on 21 December 2018 and has been provisionally applying it since 31 December 2018.

(3) In light of Samoa's accession, the Trade Committee has reviewed the Agreement and recommends to the Contracting Parties the adoption of technical amendments to the Agreement in order to list Samoa as a Contracting Party to the Agreement and to add Samoa's market access offer to Annex II to the Agreement.

(4) Similar amendments will need to be made to the Agreement each time another Pacific Island State accedes to the Agreement.

(5) The Trade Committee suggests that it be empowered to decide on any technical modification to the Agreement that might be necessary following the accession of another Pacific Island State,

HAS ADOPTED THIS RECOMMENDATION:

The Trade Committee recommends that the Parties:

1. replace paragraph 1 of Article 70 of the Agreement by the following:

   '1. For the purposes of this Agreement the "Contracting Parties" shall be the European Community, referred to as the "EC Party", on the one part, and Papua New Guinea, the Republic of the Fiji Islands and the Independent State of Samoa, referred to as the "Pacific States", on the other part.'.

2. add the following paragraph 3 in Article 80 of the Agreement:

   '3. The Trade Committee may decide on any technical modification to the Agreement that might be necessary following the accession of another Pacific Island State.'.

3. in Annex II to the Agreement, add the text of the agreed market access offer of the Independent State of Samoa, set out in the Annex to this Recommendation.

4. in Annex X to Protocol II to the Agreement, remove the reference to Samoa from the list of 'other ACP States'.

Done at …,

For the Trade Committee

On behalf of the Union *On behalf of the Pacific States*

([1]) OJ L 272, 16.10.2009, p. 2.