EU/ACP countries' Economic Partnership Agreements: exclusion of certain countries from trade preferences; Commission delegated powers

2011/0260(COD) - 11/12/2012 - Council position

In accordance with the political agreement reached on 22 October 2012, the Council adopted its position in first reading on the proposal for a Regulation of the European Parliament and of the Council amending Annex I to Council Regulation (EC) No 1528/2007 as regards the exclusion of a number of countries from the list of regions or states which have concluded negotiations on an economic partnership agreement.

Council position: overall, the Council supports the Commission proposal with a technical adjustment related to the insertion of Zimbabwe in Annex I to Council Regulation (EC) No 1528/2007.

At the time when the Commission submitted its proposal, 18 countries, including the Zimbabwe, had not taken the necessary steps towards ratifying the Economic Partnership Agreements. However, in spring 2012, Zimbabwe notified the deposit of the instrument of ratification of the Interim Economic Partnership Agreement. This is why the Council adds Zimbabwe to Annex I of the amended Regulation.

EP amendments: on 13 September 2012, the European Parliament adopted its position at first reading introducing several amendments to the proposal:

- **Timetable for entry into force**: with regard to the postponement of the date of entry into force of the Regulation from **1 January 2016** instead of 1 January 2014, the Council shares the Commission' s approach that the initially proposed timetable gives those potentially affected countries the time to implement an Economic Partnership Agreement and thus maintain their current access to the EU. Consequently **the Council could not accept this EP amendment**.
- **Delegation of powers**: as for the **powers conferred on the Commission**, the European Parliament has emphasised the need to be properly involved in the preparation and implementation of delegated acts by limiting the delegation of power conferred on the Commission for a period of five years, and asking the Commission to draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The European Parliament suggests that the delegation of power should be tacitly extended for periods of an identical duration, unless Parliament or the Council opposes such extension not later than three months before the end of each period. The European Parliament also suggests that the European Parliament and Council should have four months (rather than two) to object to a delegated act. The Council shares the Commission's approach regarding the powers conferred on the Commission and, consequently, **the Council could not accept EP amendments on the delegation of power**.

In conclusion, the Council supports the Commission proposal with a technical adjustment in order to reflect the introduction of Zimbabwe in Annex I to Council Regulation (EC) No 1528/2007. It looks forward to constructive discussions with the European Parliament at second reading with a view to the early adoption of the Regulation.