

# Arrangements for products originating in certain states which are part of the African, Caribbean and Pacific (ACP) Group of States provided for in economic partnership agreements. Recast

2015/0128(COD) - 10/06/2015 - Legislative proposal

**PURPOSE:** to undertake a codification of Council Regulation (EC) No 1528/2007 applying the arrangements for products originating in certain states which are part of the African, Caribbean and Pacific (ACP) Group of States provided for in agreements establishing, or leading to the establishment of, Economic Partnership Agreements.

**PROPOSED ACT:** Regulation of the European Parliament and of the Council.

**ROLE OF THE EUROPEAN PARLIAMENT:** the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

**BACKGROUND:** Council Regulation (EC) No 1528/2007 has been substantially amended several times. Since further amendments are to be made, that Regulation should be recast in the interests of clarity. A codification of rules that have frequently been amended is also essential if the law is to be clear and transparent.

**CONTENT:** the purpose of this proposal is to undertake a **codification** of Council Regulation (EC) No 1528/2007 of 20 December 2007. The new Regulation will supersede the various acts incorporated in it, fully preserving the content of the acts being codified.

At the same time, it is also necessary to make certain substantive amendments to that Regulation in order to empower the Commission to adopt delegated acts and to adapt the rules on the exceptional measures with limited territorial application.

Therefore, the proposal is being presented in the form of a recast.

**Purpose of the Regulation:** to recall, this Regulation applies the arrangements for products originating in certain states which are part of the African, Caribbean and Pacific (ACP) Group of States provided for in agreements establishing, or leading to the establishment of, Economic Partnership Agreements. It shall apply to products originating in the regions and states listed in Annex I. It calls for more favourable access to the EU market rules for a number of products defined in the Regulation (notably the elimination of import duties on the Community market if they originate from regions or states listed in Annex I of the Regulation). Such elimination shall be subject to the general safeguards mechanisms.

The Regulation also sets the rules for defining the origin of the products from the regions or States concerned. However, these measures are subject to changes under the present proposal.

**Exceptional measures with limited territorial application:** the Commission may, after having examined alternative solutions, authorise the application of surveillance or safeguard measures restricted to the Member State or Member States concerned **if it considers that such measures applied at that level are more appropriate** than measures applied throughout the Union. Those measures must be strictly limited in time and must disrupt the operation of the internal market as little as possible.

**Delegated acts:** according to the proposal, the power to adopt acts in accordance with Article 290 of the TFEU should be delegated to the Commission in respect of adding an Annex to this Regulation which sets out the regime applicable to products originating in South Africa once the relevant trade provisions of the TDCA have been superseded by the relevant provisions of an agreement establishing, or leading to the establishment of, an Economic Partnership Agreement.