

EC/Pacific States Interim Partnership Agreement: accession of Samoa

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PURPOSE: to approve, on behalf of the European Union (EU), Samoa's accession to the Interim Partnership Agreement between the European Union, of the one part, and the Pacific States, of the other part.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: on 12 June 2002, the Council authorised the Commission to open negotiations for Economic Partnership Agreements with the African, Caribbean and Pacific Group of States.

On 30 July 2009, the European Union signed the Interim Partnership Agreement between the European Community, of the one part, and the Pacific States, of the other part, which establishes a framework for an Economic Partnership Agreement. The Interim Partnership Agreement has been provisionally applied by Papua New Guinea and by Fiji since 20 December 2009 and 28 July 2014, respectively.

On 5 February 2018, Samoa submitted an accession request together with a market access offer to the Council. The Commission found Samoa's offer acceptable and concluded negotiations with Samoa on 23 April 2018. Samoa's accession should now be approved on behalf of the European Union.

CONTENT: with this proposal, the Commission invites the Council to approve, on behalf of the Union, **Samoa's accession to the Interim Partnership Agreement** between the European Community, of the one part, and the Pacific States, of the other part.

The EPA is a development-oriented trade agreement, which **offers asymmetric market access to Samoa** and allows it to shield sensitive sectors from liberalisation, while providing a large number of safeguards and a clause for infant industry protection. It further contains provisions on the rules of origin that facilitate Samoa's exports into the EU.

Over the course of its implementation, **the EPA will largely relieve EU exporters of industrial products to Samoa from paying customs duties**. It satisfies the criteria established in Article XXIV of the GATT 1994 (to eliminate duties and other restrictive regulations of commerce with respect to substantially all trade between the parties) i.e.: 80 % of EU exports are covered in 15 years. Samoa will benefit from maintaining their duty-free quota-free market access into the EU market.

The EPA also establishes a set of disciplines in the areas of **sustainable development**; technical barriers to trade; and Sanitary and Phytosanitary measures among others. There is a possibility for the EU to avail itself of the bilateral dispute settlement mechanism foreseen under the Agreement.

Samoa graduated from the Least Developed Countries category in 2014; as such it continues to benefit from the 'Everything But Arms' initiative which offers its exports duty-free quota-free market access into the EU for a transitional period ending on 31 December 2018.

As of then, the standard form of the **Generalised Scheme of Preferences** (GSP) will apply to Samoa's exports to the EU, which is however less generous than the EBA.

To maintain full duty-free-quota-free access to the EU market, Samoa would need to have joined the existing EPA between the EU, Fiji and PNG as of 1 January 2019. It is therefore foreseen that the EU and Samoa shall provisionally apply the Agreement subject to notifying each other in writing of the completion of the procedures necessary for this purpose in accordance with Article 76(3) of the Agreement.

The scope of the agreement does not cover tax good governance. The Commission will use the context of the EPA Committee meeting to raise with the Samoan authorities their situation towards the EU list, in particular to advocate for tax reforms in line with the EU listing criteria.

The proposal provides that the approval of the accession must not be construed as conferring rights or imposing obligations which can be directly invoked before Union or Member State courts or tribunals.