



Procedure file

Basic information		
NLE - Non-legislative enactments Decision	2008/0061(NLE)	Awaiting final decision
EC/CARIFORUM States Economic Partnership Agreement (EPA)		
Subject		
6.20.03 Bilateral economic and trade agreements and relations		
6.30.01 Generalised scheme of tariff preferences (GSP), rules of origin		
6.40.06 Relations with ACP countries, conventions and generalities		
6.40.10 Relations with Latin America, Central America, Caribbean islands		
Geographical area		
Belize		
Guyana		
Jamaica		
Barbados		
Suriname		
Dominican Republic		
Haiti		
Trinidad and Tobago		
Saint Kitts and Nevis		
Saint Lucia		
Saint Vincent and Grenadines		
Bahamas		
Dominica		
Grenada		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	INTA International Trade		05/05/2008
		PSE MARTIN David	
	Committee for opinion	Rapporteur for opinion	Appointed
Council of the European Union	DEVE Development (Associated committee)		27/05/2008
		PPE-DE SCHRÖDER Jürgen	
	Council configuration	Meeting	Date
	Environment	2977	23/11/2009
European Commission	Economic and Financial Affairs ECOFIN	2922	10/02/2009
	General Affairs	2870	26/05/2008
European Commission	Commission DG	Commissioner	
	Trade	DE GUCHT Karel	

Key events			
18/03/2008	Preparatory document	COM(2008)0156	Summary

26/05/2008	Resolution/conclusions adopted by Council		
26/01/2009	Legislative proposal published	05211/2009	Summary
19/02/2009	Committee referral announced in Parliament		
19/02/2009	Referral to associated committees announced in Parliament		
24/02/2009	Vote in committee		Summary
04/03/2009	Committee report tabled for plenary, 1st reading/single reading	A6-0117/2009	
23/03/2009	Debate in Parliament		
25/03/2009	Results of vote in Parliament		
25/03/2009	Decision by Parliament	T6-0183/2009	Summary
02/12/2009	Additional information		Summary

Technical information

Procedure reference	2008/0061(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision
Legal basis	Treaty on the Functioning of the EU TFEU 218-p6a
Stage reached in procedure	Awaiting final decision
Committee dossier	INTA/6/61756

Documentation gateway

Document attached to the procedure		COM(2008)0155	18/03/2008	EC	Summary
Preparatory document		COM(2008)0156	18/03/2008	EC	Summary
Document attached to the procedure		07507/2008	07/07/2008	CSL	
Committee draft report		PE416.606	19/12/2008	EP	
Legislative proposal		05211/2009	26/01/2009	CSL	Summary
Committee opinion	DEVE	PE415.304	16/02/2009	EP	
Committee report tabled for plenary, 1st reading/single reading		A6-0117/2009	04/03/2009	EP	
Text adopted by Parliament, 1st reading/single reading		T6-0183/2009	25/03/2009	EP	Summary

Additional information

National parliaments	IPEX
----------------------	----------------------

PURPOSE: to propose the conclusion of an Economic Partnership Agreement (EPA) between the European Community and its Member States and the CARIFORUM States.

PROPOSED ACT: Council Decision.

CONTENT: the CARIFORUM EPA was negotiated in accordance with the objectives for EPAs set out in the Cotonou Agreement (the ACP-EC Partnership Agreement was signed in Cotonou on 23 June 2000 and revised in Luxembourg on 25 June 2005) and the negotiating directives for the Economic Partnership Agreements with ACP States adopted by Council on 12 June 2002.

Trade Agreement: negotiations were concluded by the initialling of the EPA on 16 December 2007 before the expiry of the trade regime set out in Annex V of the Cotonou Agreement on 31 December 2007 and the World Trade Organisation (WTO) waiver covering that trade regime.

As a result, all CARIFORUM States comprising:

- Antigua and Barbuda,
- The Commonwealth of the Bahamas,
- Barbados,
- Belize,
- The Commonwealth of Dominica,
- The Dominican Republic,
- Grenada,
- The Republic of Guyana,
- Haiti,
- Jamaica,
- Federation of Saint Kitts and Nevis,
- Saint Lucia,
- Saint Vincent and the Grenadines,
- The Republic of Suriname,
- The Republic of Trinidad and Tobago

were included in the list of countries in Annex 1 of the EPA Market Access Regulation adopted by Council on 20 December 2007 that have benefited from the Community market access offer made in the context of EPAs from 1 January 2008. Their inclusion on this list will become permanent following ratification of the EPA by all parties. This will ensure a single harmonised trade regime with the EU providing improved market access for all CARIFORUM States, including Haiti which is recognised as a Least Developed Country by the United Nations.

Free Trade Area and other areas of cooperation: the Caribbean EPA is the first comprehensive Economic Partnership Agreement to be concluded. It includes all the measures necessary to establish a Free Trade Area compatible with the provisions of Article XXIV of the GATT 1994. It also includes a Title on Services, Investment and E-commerce and the related schedules of commitments, which are compatible with the provisions of Article V of the GATS (General Agreement on Trade in Services).

The EPA also contains provisions on Customs and Trade Facilitation, Technical Barriers to Trade, Sanitary and Phytosanitary Measures, Agriculture and Fisheries, Current Payment and Capital Movements, Competition, Innovation and Intellectual Property, transparency in Public Procurement, dialogue on finance issues, transparency and best practices in the area of tax policy, as well as Environmental and Social Aspects. Sustainable development is further promoted through the involvement of civil society and parliamentarians in joint committees, and special consultation mechanisms.

Development Cooperation provisions: there are also Development Cooperation provisions setting out priority areas of action for the implementation of the EPA. Each individual substantive chapter of the Agreement includes specific areas of cooperation and a Development Cooperation declaration establishes the link with the EU Aid for Trade strategy and recalls the Commission's and Member States' intention to contribute to a regional development fund.

Institutional and monitoring provisions: the institutional provisions include a Joint CARIFORUM-EC Council ("Joint Council") to supervise the implementation of the EPA. The Joint Council shall be composed of representatives of the CARIFORUM States as well as members of the Council and of the Commission. The Joint Council will be assisted by a CARIFORUM-EC Trade and Development Committee.

The EPA includes provision to establish comprehensive monitoring of the impact of the EPA. This will be supported by the provision for a CARIFORUM-EC Parliamentary Committee to provide a forum for members of the European Parliament and the CARIFORUM States legislatures. A CARIFORUM-EC Consultative Committee will furthermore assist the Joint Council to promote dialogue and cooperation between civil society representatives.

Provisional application: pending the entry into force of the EPA, the Agreement foresees the provisional application of the Agreement.

It should also be noted that the European Parliament will be called upon to give its assent to the conclusion of the EPA.

EC/CARIFORUM States Economic Partnership Agreement (EPA)

PURPOSE: to propose the provisional application of the Economic Partnership Agreement (EPA) between the European Community and its Member States and the CARIFORUM States.

PROPOSED ACT: Council Decision.

CONTENT: the content of the Agreement is identical to that of the general Agreement. For details, please refer to the summary of the

Commission's initial proposal dated 18/03/2008.

To recall, this Agreement is essentially a trade and development cooperation agreement linking the Community and its Member States and the CARIFORUM States comprising:

- § Antigua and Barbuda,
- § The Commonwealth of the Bahamas,
- § Barbados,
- § Belize,
- § The Commonwealth of Dominica,
- § the Dominican Republic,
- § Grenada,
- § The Republic of Guyana,
- § Haiti,
- § Jamaica,
- § Federation of Saint Kitts and Nevis,
- § Saint Lucia,
- § Saint Vincent and the Grenadines,
- The Republic of Suriname,
- The Republic of Trinidad and Tobago.

EC/CARIFORUM States Economic Partnership Agreement (EPA)

This proposal for a Decision is the legal basis for the conclusion of the Economic Partnership Agreement between the CARIFORUM States, on the one hand, and the European Community and its Member States, on the other.

Recall that the CARIFORUM States are as follows:

- Antigua and Barbuda;
- the Commonwealth of the Bahamas;
- Barbados;
- Belize;
- the Commonwealth of Dominica;
- the Dominican Republic;
- Grenada;
- the Republic of Guyana;
- Haiti;
- Jamaica;
- Federation of Saint Kitts and Nevis;
- Saint Lucia;
- Saint Vincent and the Grenadines;
- the Republic of Suriname;
- the Republic of Trinidad and Tobago.

The content of the agreement is, in essence, consistent with the Commission's initial proposal (for details, please refer to the summary of the Commission's initial proposal dated 18 March 2008).

The agreement was initialled on 16 December 2007 and has been provisionally applied since 29 December 2008 pending its entry into force.

Pursuant to Article 243(4) of the Agreement, certain elements of the Agreement have been applied on the basis 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. The Agreement shall not seek to affect the rights of investors of the Member States of the European Union to benefit from any more favourable treatment provided for in any agreement related to investment to which a Member State and a CARIFORUM State are Parties. Member States may maintain and conclude such agreements in so far as they comply with Community law.

The text of the Agreement is attached to the proposal for a Decision and appears in Council doc. 7507/08. To enter into force, the Agreement requires the assent of the European Parliament.

EC/CARIFORUM States Economic Partnership Agreement (EPA)

The Committee on International Trade adopted the report drawn up by David MARTIN (PES, UK) recommending that the European Parliament give its assent to the conclusion of the Economic Partnership Agreement between the European Community and its Member States, of the one part, and the CARIFORUM States, on the other part.

MEPs draw attention to a certain number of issues on which they would like to receive a firm commitment from the Commission and the Council. Among these issues, MEPs insist on a mandatory comprehensive review of the Agreement to be undertaken not later than five years after the date of signature and at subsequent five-yearly intervals, in order to determine the impact of the Agreement, including the costs and consequences of implementation.

They also call for : (i) an independent monitoring mechanism to be established within the CARIFORUM States endowed with the necessary resources to undertake the analysis necessary to determining the extent to which the EPA is achieving its objectives; (ii) clarifications on which funds are additional to the funding of the 10th EDF; (iii) the funds provided for an equitable share of the Aid for Trade resources to be considered as additional resources and not merely repackaging of EDF funding and their disbursement to be timely, predictable and in harmony with the execution schedules of national and regional strategic development plans; (iv) provisions regarding enforcement of intellectual property rights not be used to thwart legitimate competition from generic pharmaceutical suppliers, and/or to inhibit government purchasing entities from acquiring generic supplies.

Lastly, MEPs call on the European Union to apply the most favoured nation principle (MFN) among all the ACP sub-regional groups of the ACP countries. They also call for the elimination of the application of MFN treatment to the European Union by CARIFORUM and other sub-regional groups.

EC/CARIFORUM States Economic Partnership Agreement (EPA)

The European Parliament adopted by 460 votes to 82, with 43 abstentions, a legislative resolution and gave its assent to the conclusion of the Economic Partnership Agreement between the European Community and its Member States, of the one part, and the CARIFORUM States, on the other part.

It should be noted that this legislative resolution is linked to a joint resolution on the conclusion of the stepping stone Economic Partnership Agreement EC-CARIFORUM (see [RSP/2008/2671](#)) which was adopted on the same day.

EC/CARIFORUM States Economic Partnership Agreement (EPA)

The Lisbon Treaty, which entered into force on 1 December 2009, amended the EU's two core treaties, the Treaty on European Union (TEU) and the Treaty establishing the European Community (EC Treaty). The latter was renamed the Treaty on the Functioning of the European Union (TFEU).

These changes had various consequences for many ongoing procedures. First of all, the articles of the TEU and of the old EC Treaty that constitute the legal basis of all the proposals founded on those Treaties were renumbered in accordance with the table of equivalences mentioned in Article 5 of the Lisbon Treaty.

In addition, some proposals underwent a change to their legal basis going beyond a mere change to their numbering, and this resulted in changes to the type of procedure.

The Lisbon Treaty also introduced new concepts of decision-making procedure. The old "codecision procedure" was extended to new areas and renamed the "ordinary legislative procedure". A new "consent procedure" replaced the old "assent procedure". New interinstitutional procedures were also set up for the adoption of certain non-legislative acts, for example the conclusion of some international agreements.

The ongoing proposals concerned by these changes were formally modified by the Commission in a Communication published on 2 December 2009 ([COM\(2009\)0665](#)).

In the case of the proposal for a Council Decision concluding the Economic Partnership Agreement between the European Community and its Member States, of the one part, and the CARIFORUM States, on the other part, the entry into force of the Lisbon Treaty had the following impacts:

- the old legal basis ? Treaty/EC/Art.57(2), Art. 133(1) and (5), Art.181, Art.300 (3) first and 2nd paras. - became Art 64(2), Art.207 (4) first para, Art. 211, Art 218 (6)(a) of the TFEU. Please note that the numbering of the old legal basis corresponds to the consolidated version of the Treaty that was applicable immediately before the entry into force of the Lisbon Treaty, and may differ from the references in the original Commission proposal;
- the proposal, which had previously fallen under the old assent procedure (AVC), was classified as an interinstitutional non-legislative procedure (NLE).