

# Procedure file

Basic information		
NLE - Non-legislative enactments Decision	<a href="#">2008/0270(NLE)</a>	Procedure lapsed or withdrawn
International Coffee Agreement 2007		
Subject 3.10.06.10 Tropical plants 6.20.03 Bilateral economic and trade agreements and relations		

Key players		
European Parliament		
Council of the European Union European Commission	Commission DG Development	Commissioner PIEBALGS Andris

Key events			
05/05/2008	Legislative proposal published	<a href="#">COM(2008)0244</a>	Summary
02/12/2009	Additional information		Summary
07/03/2015	Proposal withdrawn by Commission		

Technical information	
Procedure reference	2008/0270(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; Treaty on the Functioning of the EU TFEU 207
Stage reached in procedure	Procedure lapsed or withdrawn

Documentation gateway					
Legislative proposal		<a href="#">COM(2008)0244</a>	05/05/2008	EC	Summary

Additional information	
European Commission	<a href="#">EUR-Lex</a>

PURPOSE: to amend the proposal for a Council Decision on the signing and conclusion by the European Community of the International Coffee Agreement 2007.

PROPOSED ACT : Council Decision.

LEGAL BASE: Article 133, taken in conjunction with the first subparagraph of Article 300(2) thereof.

CONTENT: on 27 March 2008, the Commission adopted the proposal for a decision on the signing and conclusion by the European Community of the International Coffee Agreement 2007 (see [COM\(2008\)157 final](#)).

It should, however, be pointed out that special provisions appear in Article 40(4) of the International Coffee Agreement 2007 concerning the position of the European Community and the deposit of an official declaration confirming its exclusive competence.

As the proposal already approved did not include that declaration of competence, it now needs to be amended so that the Council decision can cover the entire signing and conclusion procedure by the European Community.

The purpose of this proposal is therefore to amend the instrument contained in document COM(2008)157 final, submitted in the initial procedure, so that the declaration of competence in accordance with Article 40(4) of the Agreement is annexed and the wording of Article 2 amended accordingly. As Article 1 of the version already approved did not refer to the signing of the International Coffee Agreement, this reference is also added.

In the declaration, the European Community states that, in accordance with the Treaty establishing the European Community, the matters governed by the Agreement fall within the exclusive competence of the European Community under the common commercial policy and the Member States will not therefore be ratifying the Agreement.

BUDGETARY IMPLICATIONS: there are no implications for the EU budget.

## International Coffee Agreement 2007

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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 proposals presented by the Commission, on the basis of the "old" treaties, before that date. For more information, see [COM \(2009\)0665](#). In some cases, a new legal framework was conferred on certain proposals that had not previously been subject to the interinstitutional decision-making process. The European Parliament would now be involved in any decision on those proposals.

The proposal in this procedure file is one such case. It was previously based on Articles 133 and 300 of the EC Treaty, (covering the common commercial policy and the conclusion of agreements between the European Community and one or more States or international organisations). It now falls under Articles 207 and 218(6)(a) of the TFEU, under which the European Parliament's consent must be obtained, under the new interinstitutional non-legislative procedure, before the Council adopts any decision concluding an international agreement relating to the common commercial policy.