

Procedure file

Basic information	
NLE - Non-legislative enactments Decision	2010/0119(NLE) Awaiting final decision
EC/South Africa Agreement on Trade, Development and Cooperation: amending the 1999 Agreement See also 2014/0236(NLE)	
Subject 6.20.03 Bilateral economic and trade agreements and relations 6.30 Development cooperation	
Geographical area South Africa	

Key players			
European Parliament	Committee responsible DEVE Development	Rapporteur	Appointed 03/06/2010
		Verts/ALE JOLY Eva Shadow rapporteur PPE SVENSSON Alf S&D CASHMAN Michael ALDE GOERENS Charles	
	Committee for opinion INTA International Trade	Rapporteur for opinion	Appointed 01/06/2010
		ALDE RINALDI Niccolò	
Council of the European Union European Commission	Commission DG Development	Commissioner PIEBALGS Andris	

Key events			
07/05/2010	Preparatory document	COM(2010)0220	Summary
09/06/2010	Legislative proposal published	10297/2010	Summary
07/09/2010	Committee referral announced in Parliament		
26/01/2011	Vote in committee		Summary
01/02/2011	Committee report tabled for plenary, 1st reading/single reading	A7-0018/2011	
15/02/2011	Results of vote in Parliament		

15/02/2011	Decision by Parliament	T7-0043/2011	Summary
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Technical information	
Procedure reference	2010/0119(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision
	See also 2014/0236(NLE)
Legal basis	Treaty on the Functioning of the EU TFEU 217; Treaty on the Functioning of the EU TFEU 218-p6a
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Awaiting final decision
Committee dossier	DEVE/7/02944

Documentation gateway					
Document attached to the procedure		07437/2008	01/04/2008	CSL	Summary
Preparatory document		COM(2010)0220	07/05/2010	EC	Summary
Legislative proposal		10297/2010	09/06/2010	CSL	Summary
Committee draft report		PE452.891	18/11/2010	EP	
Committee opinion	INTA	PE452.829	17/01/2011	EP	
Committee report tabled for plenary, 1st reading/single reading		A7-0018/2011	01/02/2011	EP	
Text adopted by Parliament, 1st reading/single reading		T7-0043/2011	15/02/2011	EP	Summary

Additional information	
National parliaments	IPEX
European Commission	EUR-Lex

EC/South Africa Agreement on Trade, Development and Cooperation: amending the 1999 Agreement

The Agreement on Trade, Development and Cooperation between the European Community and its Member States, of the one part, and South Africa, of the other part, (the "TDCA"), was signed in Pretoria on 11 October 1999, and concluded on 26 April 2004. On 17 November 2006 the Council authorised the Commission to negotiate with South Africa an Agreement between the EC and its Member States, and South Africa amending the TDCA. These negotiations have been concluded to the satisfaction of the Commission. Subject to its possible conclusion at a later stage, it is proposed that the Agreement amending the TDCA should now be signed on behalf of the EC and its Member States.

The main amendments to the TDCA are as follows:

Multilateral disarmament and non-proliferation treaty system: since it is important that progress is made in the implementation of all the obligations deriving from this system, the Parties have included a clause in the agreement, which will allow them to cooperate and to have a political dialogue on these issues.

Respect for democratic principles and fundamental human rights as laid down in the Universal Declaration of Human Rights, and for the principles of the rule of law, as well as cooperating on issues of disarmament and the non-proliferation of weapons of mass destruction underpin the internal and international policies of the EU and South Africa and constitute essential elements of the agreement.

There are new provisions in the TDCA on:

- Information society and ICTs;
- Energy cooperation;
- Maritime transport;
- Millennium Development Goals;
- Science and Technology;
- Culture;
- Cooperation on Illicit Drugs;
- Weapons of mass destruction and their means of delivery;
- Combating terrorism;
- Money laundering and terrorism financing;
- Combating Organised Crime;
- Small arms and light weapons;
- Mercenaries;
- International Criminal Court;
- Cooperation on migration.

EC/South Africa Agreement on Trade, Development and Cooperation: amending the 1999 Agreement

PURPOSE: to conclude the Agreement between the EC and its Member States, of the one part, and South Africa, of the other part, amending the Agreement on Trade, Development and Cooperation.

PROPOSED ACT: Council Decision.

BACKGROUND: the above-mentioned Agreement between the EC and its Member States and South Africa (?TDCA?) entered into force on 1 May 2004. Articles 18 and 103 of the TDCA call for a review of the Agreement within five years of its entry into force. At its meeting of 7 November 2005, the Joint Cooperation Council established the broad lines of the future revision of the TDCA, covering further liberalisation of trade, minor adjustments to the Title on Development Cooperation, updating the wording of several provisions concerning economic cooperation and cooperation in other areas.

On that basis, the Commission submitted a proposal for a negotiating mandate in June 2006. In November 2006 the Council adopted a two-tier Decision giving the Commission two mandates. One was to give guidance to the Commission for revising the Agreement on Trade, Development and Cooperation on the basis of Article 106(1) of the TDCA, which gives the Cooperation Council the power to decide on amendments put forward by any Party. The other was to authorise the opening of negotiations between the Community and its Member States, on the one hand, and the Republic of South Africa, on the other, to revise the Agreement on matters relating to the political dimension of the Agreement and to justice, freedom and security.

However, in the course of the negotiations, for the sake of consistency, both sides agreed to forego the ?lighter? procedure of Article 106(1) of the TDCA, and to negotiate a single Agreement amending the TDCA. Consequently, the Commission negotiated this Agreement on the basis of the combined negotiating directives adopted by the Council, and in consultation with the Africa, Caribbean and Pacific (ACP) Working Party and the Africa Working Group. These two bodies were appointed by the Council, according to their respective responsibilities, as the special committees to assist the Commission in its task. The TDCA negotiations on trade and trade-related matters were suspended pending the outcome of the Economic Partnership Agreement (EPA) negotiations. Throughout the negotiations, the Commission ensured that due account was taken of the process for implementing the Strategic Partnership between South Africa and the EU. The agreement was signed on behalf of the Community and Member States on 11 September 2009 in Kleinmond, South Africa in accordance with Council Decision 7437/08.

IMPACT ASSESSMENT: no impact assessment was carried out.

LEGAL BASE: Article 217 in conjunction with Article 218 (6) (a) of the Treaty on the Functioning of the EU.

CONTENT: following the entry into force of the Treaty on the European Union and the Treaty on the Functioning of the European Union, the EU is substituting the European Community for the approval of the agreement. As stipulated in Article 3 of the Agreement, the Parties shall notify each other of the completion of the corresponding approval procedures and the respective instruments of ratification shall be deposited with the General Secretariat of the Council of the EU. As established in Article 4, the Amending Agreement shall enter into force on the first day of the month following the month in which the Parties notify each other that the necessary procedures have been completed.

The current proposal is for a Council Decision concluding the amending agreement. It contains new provisions on terrorism, the International Criminal Court, weapons of mass destruction, mercenaries and small arms. The Commission therefore recommends that the Council adopt the attached Decision.

BUDGETARY IMPLICATION: the proposal has no implications for the Union?s budget.

EC/South Africa Agreement on Trade, Development and Cooperation: amending the 1999 Agreement

PURPOSE: to conclude the Agreement between the European Community and its Member States, of the one part, and the Republic of South Africa, of the other part, amending the Agreement on Trade, Development and Cooperation.

PROPOSED ACT: Council Decision.

BACKGROUND: the Agreement between the European Community and its Member States, of the one part, and the Republic of South Africa, of the other part, amending the Agreement on Trade, Development and Cooperation was signed on behalf of the Community and the Member States on 11 September 2009 in Kleinmond, South Africa.

Article 3 of the Agreement establishes that it should be approved by the European Union, by the Member States, and by the Republic of South Africa in accordance with their own procedures.

Following the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union should make a notification to the Republic of South Africa as regards the European Union having replaced and succeeded the European Community. The Agreement should be approved on behalf of the European Union.

IMPACT ANALYSIS: no impact has been carried out.

LEGAL BASIS: Article 217 in conjunction with Article 218(6)(a) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: this Decision aims to approve the Agreement between the European Community and its Member States, of the one part, and the Republic of South Africa, of the other part, amending the Agreement on Trade, Development and Cooperation, on behalf of the European Union.

For details of the content of the Agreement, please refer to the summary of the document annexed to the procedure dated 01/04/2008.

The draft Decision also specifies that as a consequence of the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union has replaced and succeeded the European Community and from that date exercises all rights and assumes all obligations of the European Community. Therefore, references to "the European Community" in the text of the Agreement are, where appropriate, to be read as "the European Union".

BUDGETARY IMPLICATION: this proposal has no implication on the EU budget.

EC/South Africa Agreement on Trade, Development and Cooperation: amending the 1999 Agreement

The Committee on Development adopted the report drafted by Eva Joly (Greens/EFA, FR) recommending the European Parliament to give its consent to the conclusion of the Agreement between the

European Community and its Member States, of the one part, and of South Africa, of the other part, amending the Agreement on Trade, Development and Cooperation.

EC/South Africa Agreement on Trade, Development and Cooperation: amending the 1999 Agreement

The European Parliament adopted by 521 votes to 4, with 26 abstentions, a legislative resolution in which it gives its consent to the conclusion of the Agreement between the European Community and its Member States, of the one part, and of South Africa, of the other part, amending the Agreement on Trade, Development and Cooperation.