

Procedure file

Basic information		
NLE - Non-legislative enactments Decision	2018/0291(NLE)	Awaiting final decision
EC/Pacific States Interim Partnership Agreement: accession of Samoa		
See also 2008/0250(NLE)		
Subject		
3.15.15.06 Fisheries agreements with Pacific countries		
6.20.05 Multilateral and plurilateral economic and trade agreements and relations		
6.40.06 Relations with ACP countries, conventions and generalities		
Geographical area		
Samoa		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	INTA International Trade		29/08/2018
		S&D MARTIN David	
		Shadow rapporteur	
		PPE RUAS Fernando	
		ECR MCCLARKIN Emma	
		ALDE HIRSCH Nadja	
		GUE/NGL FORENZA Eleonora	
		Verts/ALE HAUTALA Heidi	
	Committee for opinion	Rapporteur for opinion	Appointed
	DEVE Development		17/09/2018
		S&D MCAVAN Linda	
	PECH Fisheries	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	Environment	3640	09/10/2018
European Commission	Commission DG	Commissioner	
	Trade	MALMSTRÖM Cecilia	

Key events			
23/07/2018	Initial legislative proposal published	COM(2018)0546	Summary
02/10/2018	Legislative proposal published	12281/2018	Summary
22/10/2018	Committee referral announced in Parliament, 1st reading/single reading		
20/11/2018	Vote in committee, 1st reading/single reading		
22/11/2018	Committee report tabled for plenary, 1st reading/single reading	A8-0376/2018	Summary

29/11/2018	Decision by Parliament, 1st reading/single reading	T8-0469/2018	Summary
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Technical information	
Procedure reference	2018/0291(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision
	See also 2008/0250(NLE)
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	Awaiting final decision
Committee dossier	INTA/8/14418

Documentation gateway					
Initial legislative proposal		COM(2018)0546	23/07/2018	EC	Summary
Legislative proposal		12281/2018	02/10/2018	CSL	Summary
Committee draft report		PE627.788	15/10/2018	EP	
Amendments tabled in committee		PE630.386	08/11/2018	EP	
Committee opinion	DEVE	PE628.428	13/11/2018	EP	
Committee report tabled for plenary, 1st reading/single reading		A8-0376/2018	22/11/2018	EP	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0469/2018	29/11/2018	EP	Summary

2018/0291(NLE) - 23/07/2018 Initial legislative proposal

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.

2018/0291(NLE) - 02/10/2018 Legislative proposal

PURPOSE: to approve, on behalf of the European Union, 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 (EPA) with the African, Caribbean and Pacific Group of States.

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, was signed in London on 30 July 2009. The Interim Partnership Agreement has been provisionally applied by Papua New Guinea and by Fiji since 20 December 2009 and 28 July 2014, respectively.

Article 80 of the Interim Partnership Agreement lays down the provisions regarding the accession of the other Pacific Island States. On 5 February 2018, Samoa submitted an accession request together with a market access offer to the Council.

The Commission assessed Samoa's offer and found it acceptable. Accordingly, it concluded negotiations with Samoa on 23 April 2018.

CONTENT: the draft Council Decision includes provisions for the approval, on behalf of the Union, of Samoa's accession to the Interim Partnership Agreement subject to Samoa's deposit of the Act of Accession pursuant to Article 80 of the Agreement, as well as the notification required to express the Union's consent to apply the Agreement on a provisional basis in accordance with Article 76(3) thereof. It also provides that the approval of the accession of Samoa to the Interim Partnership Agreement shall not be construed as conferring rights or imposing obligations which can directly be invoked before Union or Member State courts or tribunals.

The EPA also contains provisions on sustainable development whereby the Parties reaffirm that the objective of sustainable development must form an integral part of the provisions of the Agreement, in accordance with the fundamental objectives and principles set out in the Cotonou Agreement and, in particular, their general commitment to poverty reduction and eventual eradication in line with the objectives of sustainable development.

The EPA is a development-oriented trade agreement that provides Samoa with asymmetric market access and allows it to protect sensitive sectors from liberalisation, while offering numerous safeguards and a clause to protect infant industries. It also contains provisions on rules of origin that facilitate Samoa's exports to the EU.

2018/0291(NLE) - 22/11/2018 Committee report tabled for plenary, 1st reading/single reading

The Committee on International Trade adopted the report by David MARTIN (S&D, UK) on the draft Council decision on 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 committee recommended that the European Parliament approve Samoa's accession to the agreement.

On 12 June 2002, the Council authorised the Commission to open negotiations for Economic Partnership Agreements (EPAs) with the members of the African, Caribbean and Pacific Group of States.

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

The Interim Partnership Agreement provides for the possibility for other Pacific islands to join the Agreement. As a result, on 5 February 2018, Samoa submitted an application for membership and an offer of market access. The Commission concluded negotiations with Samoa on behalf of the Union on 23 April 2018.

The main elements of the EPA are as follows:

- a restriction of the scope to trade in goods;
- duty-free and quota-free access to the European market;
- the asymmetrical and progressive liberalisation of customs duties adapted to the level of development of the Pacific States; Samoa will liberalise 82.6% of its merchandise exports (in tariff lines) over a 20-year period; the country's sensitive products (such as meat, fish, fruit and vegetables, alcohol, mineral water, etc.), which represent 17.4% of the total, are excluded;

- trade defence provisions, which include a bilateral guarantee provided in the event that imports cause or threaten to cause economic or social injury or destabilisation to a sector or party to the agreement;
- provisions on cooperation on technical barriers to trade (TBT) and sanitary and phytosanitary measures (SPS);
- provisions concerning customs and trade facilitation;
- a guarantee concerning food security and a derogation in the event of a balance of payments imbalance;
- global sourcing for fisheries;
- the recognition of sustainable development as an underlying objective;
- a procedure for monitoring the implementation of the EPA, including its impact on sustainable development, conducted by the relevant institutional bodies;
- a stable framework for economic and trade relations with the EU;
- a regional integration component that will become increasingly relevant as other Pacific states join the agreement.

2018/0291(NLE) - 29/11/2018 Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 504 votes to 117, with 11 abstentions, a legislative resolution on the draft Council decision on the accession of Samoa to the Interim Partnership Agreement between the European Community, of the one part, and the Pacific States, of the other part.

Following the recommendation of its Committee on International Trade and the opinion of the Committee on Development, the European Parliament gave its consent to Samoa's accession to the Agreement.

The Economic Partnership Agreement 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.

The Agreement contains provisions on Sustainable Development (Article 3), whereby the Parties reaffirm that the objective of sustainable development must be an integral part of the provisions of this Agreement, consistent with the overarching objectives and principles set out in Cotonou Agreement.