








Procedure file

Basic information			
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation		Procedure completed	
Arrangements for products originating in certain states which are part of the African, Caribbean and Pacific (ACP) Group of States provided for in economic partnership agreements. Recast			
Subject 6.20.03 Bilateral economic and trade agreements and relations 6.20.04 Union Customs Code, tariffs, preferential arrangements, rules of origin 6.30.01 Generalised scheme of tariff preferences (GSP), rules of origin 6.40.06 Relations with ACP countries, conventions and generalities			
Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 International Trade		21/09/2015
		 WALESA Jarosław	
		Shadow rapporteur	
		 DE SARNEZ Marielle	
		 BEGHIN Tiziana	
	Committee for opinion	Rapporteur for opinion	Appointed
	 Development	The committee decided not to give an opinion.	
	Committee for opinion on the recast technique	Rapporteur for opinion	Appointed
	 Legal Affairs		25/08/2015
	 HAUTALA Heidi		
Council of the European Union	Council configuration	Meeting	Date
	Economic and Financial Affairs ECOFIN	3468	25/05/2016
European Commission	Commission DG	Commissioner	
	Trade	MALMSTRÖM Cecilia	

Key events			
10/06/2015	Legislative proposal published	COM(2015)0282	Summary
24/06/2015	Committee referral announced in		

	Parliament, 1st reading		
25/01/2016	Vote in committee, 1st reading		
28/01/2016	Committee report tabled for plenary, 1st reading	A8-0010/2016	Summary
12/04/2016	Results of vote in Parliament		
12/04/2016	Decision by Parliament, 1st reading	T8-0094/2016	Summary
25/05/2016	Act adopted by Council after Parliament's 1st reading		
08/06/2016	Final act signed		
08/06/2016	End of procedure in Parliament		
08/07/2016	Final act published in Official Journal		

Technical information

Procedure reference	2015/0128(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Recast
Legislative instrument	Regulation
Legal basis	Treaty on the Functioning of the EU TFEU 207-p2
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	INTA/8/03680

Documentation gateway

Legislative proposal		COM(2015)0282	10/06/2015	EC	Summary
Opinion on the recast technique		PE565.159	25/08/2015	EP	
Economic and Social Committee: opinion, report		CES4775/2015	08/10/2015	ESC	
Committee draft report		PE569.640	12/10/2015	EP	
Committee report tabled for plenary, 1st reading/single reading		A8-0010/2016	28/01/2016	EP	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0094/2016	12/04/2016	EP	Summary
Economic and Social Committee: opinion, report		CES5372/2015	25/05/2016	ESC	
Draft final act		00006/2016/LEX	08/06/2016	CSL	
Follow-up document		COM(2020)0007	14/01/2020	EC	

Final act

[Regulation 2016/1076](#)

[OJ L 185 08.07.2016, p. 0001](#) Summary

Final legislative act with provisions for delegated acts

Delegated acts	
2017/2789(DEA)	Examination of delegated act
2019/2871(DEA)	Examination of delegated act
2019/2643(DEA)	Examination of delegated act
2017/2788(DEA)	Examination of delegated act
2020/2666(DEA)	Examination of delegated act

Arrangements for products originating in certain states which are part of the African, Caribbean and Pacific (ACP) Group of States provided for in economic partnership agreements. Recast

PURPOSE: to undertake a codification 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.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: Council Regulation (EC) No 1528/2007 has been substantially amended several times. Since further amendments are to be made, that Regulation should be recast in the interests of clarity. A codification of rules that have frequently been amended is also essential if the law is to be clear and transparent.

CONTENT: the purpose of this proposal is to undertake a codification of Council Regulation (EC) No 1528/2007 of 20 December 2007. The new Regulation will supersede the various acts incorporated in it, fully preserving the content of the acts being codified.

At the same time, it is also necessary to make certain substantive amendments to that Regulation in order to empower the Commission to adopt delegated acts and to adapt the rules on the exceptional measures with limited territorial application.

Therefore, the proposal is being presented in the form of a recast.

Purpose of the Regulation: to recall, this Regulation applies 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. It shall apply to products originating in the regions and states listed in Annex I. It calls for more favourable access to the EU market rules for a number of products defined in the Regulation (notably the elimination of import duties on the Community market if they originate from regions or states listed in Annex I of the Regulation). Such elimination shall be subject to the general safeguards mechanisms.

The Regulation also sets the rules for defining the origin of the products from the regions or States concerned. However, these measures are subject to changes under the present proposal.

Exceptional measures with limited territorial application: the Commission may, after having examined alternative solutions, authorise the application of surveillance or safeguard measures restricted to the Member State or Member States concerned if it considers that such measures applied at that level are more appropriate than measures applied throughout the Union. Those measures must be strictly limited in time and must disrupt the operation of the internal market as little as possible.

Delegated acts: according to the proposal, the power to adopt acts in accordance with Article 290 of the TFEU should be delegated to the Commission in respect of adding an Annex to this Regulation which sets out the regime applicable to products originating in South Africa once the relevant trade provisions of the TDCa have been superseded by the relevant provisions of an agreement establishing, or leading to the establishment of, an Economic Partnership Agreement.

Arrangements for products originating in certain states which are part of the African, Caribbean and Pacific (ACP) Group of States provided for in economic partnership agreements. Recast

The Committee on International Trade adopted the report by Jarosław Wałęsa (EPP, PL) on the proposal for a regulation of the European Parliament and of the Council 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 (recast).

The Commission recommended the European Parliament to adopt its position at first reading, taking over the Commission proposal and taking account of the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission.

According to the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission, the Commission proposal does not include any substantive amendments other than those identified as such in the proposal and as regards the codification of the unchanged provisions of the earlier acts together with those amendments, the proposal contains a straightforward codification of the existing texts, without any change in their substance.

It should be recalled that the Commission proposal concerns a codification and recast of the Council Regulation (EC) No 1528/2007 governing imports of products originating in certain ACP countries. This temporary instrument provides duty-free quota-free access to the EU market for products originating in non-LDC ACP countries in the run-up to the conclusion and application of respective WTO-compatible Economic Partnership Agreements (EPAs) before the 1 October 2016.

The aim of the codification exercise is to ensure transparency, clarity and simplification of the EU legislation after an original legal instrument has been amended numerous times. Since its adoption in 2007, the Market Access Regulation has already been amended nine times, including the post-Lisbon alignment exercise under the "Trade Omnibus II" and subsequent Commission delegated regulations (see the Annex III of the Commission proposal). Thus, codification is essential to ensure clarity and readability of the regulation.

The method of a recast is used because of the need for certain limited substantive changes in the existing Articles (in particular, the possibility for the Commission to adopt delegated acts to set out the regime applicable to products originating in South Africa, under certain conditions laid down in the Regulation).

Arrangements for products originating in certain states which are part of the African, Caribbean and Pacific (ACP) Group of States provided for in economic partnership agreements. Recast

The European Parliament adopted by 613 votes to 28, with 55 abstentions a legislative resolution on the proposal for a regulation of the European Parliament and of the Council 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 (recast).

The European Parliament adopted its position at first reading, taking over the Commission proposal and taking account of the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission.

The Commission proposal concerns a codification and recast of the Council Regulation (EC) No 1528/2007 governing imports of products originating in certain ACP countries. This temporary instrument provides duty-free quota-free access to the EU market for products originating in non-LDC ACP countries in the run-up to the conclusion and application of respective WTO-compatible Economic Partnership Agreements (EPAs) before the 1 October 2016. Annex I of the Regulation on market access currently concerns 27 countries.

According to the Consultative Working Party, the Commission proposal does not include any substantive amendments other than those identified as such in the proposal. As regards the codification of the unchanged provisions of the earlier acts together with those amendments, the proposal contains a straightforward codification of the existing texts, without any change in their substance.

The proposed Regulation:

provides that the rules of origin applicable to imports made under this Regulation should for a transitional period be those laid down in Annex II. Those rules of origin should be superseded by those annexed to any agreement with the regions or states listed in Annex I when that agreement is either provisionally applied, or enters into force, whichever is the earliest;

provides for the possibility of temporarily suspending the arrangements set out in this Regulation in the event of a failure to provide administrative cooperation or of irregularities or fraud;

provided for general safeguard measures for the products covered by this Regulation;

allows, in view of the particular sensitivity of agricultural products, safeguard measures to be taken when imports cause or threaten to cause disturbances in the markets for such products or disturbances in the mechanisms regulating those markets.

The power to adopt acts should be delegated to the Commission in respect of:

- amending Annex I to this Regulation in order to add or to remove regions or states, and in respect of introducing technical amendments to Annex II to this Regulation that are necessary as a result of the application of that Annex;
- adding an Annex to this Regulation which sets out the regime applicable to products originating in South Africa once the relevant trade provisions of the TDCA have been superseded by the relevant provisions of an agreement establishing, or leading to the establishment of, an Economic Partnership Agreement.

Arrangements for products originating in certain states which are part of the African, Caribbean and Pacific (ACP) Group of States provided for in economic partnership agreements. Recast

PURPOSE: to recast Council Regulation (EC) No 1528/2007 applying to products originating in certain states that 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.

LEGISLATIVE ACT: Regulation (EU) 2016/1076 of the European Parliament and of the Council 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 (recast).

CONTENT: in the interests of legal clarity, this Regulation consists of a recast of Council Regulation (EC) No 1528/2007, ("Market Access Regulation") governing imports of products originating in certain ACP countries. This temporary instrument provides duty-free, quota-free access to the EU market for products originating in countries that are not part of the Least Developed Countries (LDC) of the ACP countries in the run-up to the conclusion and application of WTO-compatible Economic Partnership Agreements (EPAs). Annex I of the Market Access Regulation includes 27 countries.

Duty-free and quota-free access is subject to certain general safeguard measures. In view of the particular sensitivity of agricultural products, the Regulation allows safeguard measures to be taken when imports cause or threaten to cause disturbances in the markets for such products

or disturbances in the mechanisms regulating those markets.

The rules of origin applicable to imports made under the Regulation are, for a transitional period, those laid down in Annex II. Those rules of origin should be superseded by those annexed to any agreement with the regions or states listed in Annex I when that agreement is either provisionally applied, or enters into force, whichever is the earliest.

Delegated acts: the Commission may adopt delegated acts with a view to:

- amending Annex I to the Regulation in order to add or to remove regions or states, and in respect of introducing technical amendments to Annex II to this Regulation that are necessary as a result of the application of that Annex;
- adding an Annex to this Regulation which sets out the regime applicable to products originating in South Africa once the relevant trade provisions of the Agreement on Trade, Development and Cooperation (TDCA) have been superseded by the relevant provisions of an agreement establishing, or leading to the establishment of, an EPA.

The power to adopt delegated acts is conferred on the Commission for a period of five years from 21 June 2013 (which may be tacitly extended for the same period). Parliament or Council may raise objections to a delegated act within two months of the date of notification (which may be extended by two months). If Parliament or Council raise objections, the delegated act may not enter into force.

ENTRY INTO FORCE: 28.7.2016.