In line with Article 218 (4) of the Treaty on the Functioning of the EU (TFEU), the Commission conducted the negotiations concerning a new Partnership Agreement with the African, Caribbean and Pacific (ACP) States in line with the negotiating directives adopted by the Council in June 2018. Throughout the negotiations, the Commission consulted with the special committee designated by the Council, in the context of which EU Member States raised their views and comments on a variety of thematic areas.

The EU has competence\(^1\) to conclude international agreements to achieve its external action objectives, including that of development, which has a broad scope\(^2\). Further, agreements that establish an association between the EU and third countries empower the EU to undertake commitments in all fields and competences covered by the Treaties. Notably, building on the large scope of EU’s development policy, the Court confirmed in case C-377/12\(^3\), Commission vs Council, that specific sectoral clauses cannot alter the scope of a development cooperation agreement, provided that those clauses do not impose such extensive obligations that those obligations would constitute objectives distinct from those of development cooperation.

The EU has competence in all areas covered by the new EU-ACP Partnership Agreement. The Commission is of the view that the agreement should hence be concluded as an ‘EU-only’ agreement and made a proposal for a Council decision\(^4\) on the signing and provisional application of the new agreement reflecting such view.

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1. Article 209(2) TFEU.