



Brussels, 10.1.2013  
COM(2013) 7 final

2011/0260 (COD)

**COMMUNICATION FROM THE COMMISSION  
TO THE EUROPEAN PARLIAMENT**

**pursuant to Article 294(6) of the Treaty on the Functioning of the European Union**

**concerning the**

**position of the Council on the adoption of a regulation of the European Parliament and  
of the Council amending Annex I to Council Regulation (EC) No 1528/2007 as regards  
the exclusion of a number of countries from the list of regions or states which have  
concluded negotiations (2011/0260(COD))**

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**1. BACKGROUND**

Date of transmission of the proposal to the European Parliament and to the Council 30 September 2011

(document COM(2011)0598 final - (2011/0260(COD)):

Date of the opinion of the European Economic and Social Committee: n.a.

Date of the position of the European Parliament, first reading: 13 September 2012

Date of adoption of the position of the Council: 11 December 2012

**2. OBJECTIVE OF THE PROPOSAL FROM THE COMMISSION**

The Market Access Regulation (MAR) grants unilateral advance provisional application of duty- and quota-free access to those ACP countries that concluded negotiations of (interim) Economic Partnership Agreements (EPAs) by the end of 2007. The Regulation was conceived as a temporary solution pending the ratification of the agreements to avoid trade disruption. It was based on a clear commitment of the countries concerned to move towards ratification and implementation of the agreements they had negotiated. The Commission proposes the amendment to the Market Access Regulation to reserve the benefits of the Market Access Regulation to those countries that have ratified or applied their EPAs by 1 January 2014, i.e. 6 (six) years after the Regulation entered into force. Out of the 36 MAR beneficiaries, 19 have ratified or applied their agreements. Yet the other 17 countries have neither ratified nor signed their agreement. The situation is unfair towards those which have ratified and also towards other developing countries that are not getting free access to the EU, despite being at similar stages of development.

### **3. COMMENTS ON THE POSITION OF THE COUNCIL**

On 13 September 2012, the European Parliament voted in first-reading a legislative resolution including four amendments to the Commission's proposal. The Commission rejects three of these four amendments. Two of the amendments concern procedural aspects related to delegated acts and are not in line with the Common Understanding on Delegated Acts. The third one relates to the date for entry into force of the amendment to the Regulation (it suggests 1 January 2016 rather than 1 January 2014).

On 11 December 2012, the Council adopted the Commission's proposal. It did not take up the Parliament's amendments. The Council introduced one modification which re-instates in Annex I Zimbabwe which has ratified an EPA since the Commission's proposal was adopted. The modification is in line with the logic of the proposal itself. The Commission can therefore accept the amendment introduced by the Council.

### **4. CONCLUSION**

The Commission can accept the amendments introduced by the Council to its proposal.