

## IV

(Acts adopted before 1 December 2009 under the EC Treaty, the EU Treaty and the Euratom Treaty)

## COUNCIL DECISION

of 13 July 2009

**on the signing and provisional application of the Interim Agreement establishing a framework for an Economic Partnership Agreement between the Eastern and Southern Africa States, on the one part, and the European Community and its Member States, on the other part**

(2012/196/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 133 and 181, in conjunction with the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) On 12 June 2002 the Council authorised the Commission to open negotiations to conclude Economic Partnership Agreements with African, Caribbean and Pacific (ACP) States.
- (2) Negotiations for an interim agreement establishing a framework for an Economic Partnership Agreement (hereinafter referred to as the 'Interim EPA') were concluded on 28 November 2007 with Seychelles, Zambia and Zimbabwe. On 4 December 2007, the Interim EPA was initialised by Mauritius and on 11 December 2007 by Comoros and Madagascar.
- (3) Article 62(4) of the Interim EPA provides for its provisional application pending its entry into force.
- (4) The Interim EPA should be signed on behalf of the Community and applied, as concerns elements falling within the competence of the Community, on a provisional basis subject to its conclusion at a later date,

HAS DECIDED AS FOLLOWS:

*Article 1*

The signing of the Interim Agreement establishing a framework for an Economic Partnership Agreement between the Eastern and Southern Africa States, on the one part, and the

European Community and its Member States, on the other part, is hereby approved on behalf of the Community, subject to a Council Decision concerning the conclusion of the said Economic Partnership Agreement.

The text of the Interim EPA is attached to this Decision.

*Article 2*

1. For the purposes of Article 64(3) of the Interim EPA, the delegation of the EC Party to the EPA Committee shall be composed of the members of the Council and of representatives of the Commission. It shall be chaired jointly by the Commission and the Presidency of the Council.

2. The position to be taken by the Community within the EPA Committee shall be determined by the Council on the basis of a proposal by the Commission in accordance with the corresponding provisions of the Treaty.

*Article 3*

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Interim EPA on behalf of the Community subject to its conclusion.

*Article 4*

As concerns elements falling within the competence of the Community, the Interim EPA shall be applied on a provisional basis as provided for in Article 62(4) thereof, pending completion of the procedure for its conclusion. The Commission shall publish a notice providing information on the date of provisional application.

Done at Brussels, 13 July 2009.

*For the Council*

*The President*

E. ERLANDSSON