



EUROPEAN COMMISSION

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2012/0024 (CNS)

Proposal for a

COUNCIL DECISION

amending Council Decision 2001/822/EC on the association of the overseas countries and territories with the European Community

EXPLANATORY MEMORANDUM

In accordance with the decision by the European Council on 29 October 2010 amending the Treaty on the Functioning of the European Union, the French collectivity of Saint-Barthélemy, formerly an outermost region of the European Union, became an overseas country or territory associated with the European Union on 1 January 2012.

Pursuant to Article 203 of the Treaty on the Functioning of the European Union, the provisions applicable to the overseas countries or territories associated with the European Union must be adopted by the Council of the European Union, acting unanimously. In this connection, Council Decision 2001/822/EC of 27 November 2001 on the association of the overseas countries and territories with the European Community (hereinafter the Overseas Association Decision) came into force on 2 December 2001 and will expire at the end of 2013.

This Council Decision must be amended to take account of the amendment of the Treaty on the Functioning of the European Union by the European Council Decision of 29 October 2010 amending the status with regard to the European Union of the island of Saint-Barthélemy and providing for a change of status of this French collectivity to an overseas country or territory associated with the EU from 1 January 2012.

Proposal for a

COUNCIL DECISION

amending Council Decision 2001/822/EC on the association of the overseas countries and territories with the European Community

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 203 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Parliament,

Acting in accordance with a special legislative procedure,

Whereas:

- (1) European Council Decision of 29 October 2010 amending the status with regard to the European Union of the island of Saint-Barthélemy¹ amends the Treaty on the Functioning of the European Union, and in particular Annex II thereof, by including the island of Saint-Barthélemy in the list of overseas countries or territories to which the fourth part of the Treaty applies.
- (2) Council Decision 2001/822/EC of 27 November 2001 on the association of the overseas countries and territories with the European Community (the Overseas Association Decision)² establishes the legal framework for promoting the economic and social development of the overseas countries and territories (OCTs) and for enhancing economic relations between them and the European Union. Annex I A of Decision 2001/822/EC contains a list of the OCTs concerned by association in accordance with Article 1(2) of that Decision.
- (3) Decision 2001/822/EC applies until 31 December 2013. Annex I A of that Decision must therefore be amended to take account of the change of status with regard to the European Union of the island of Saint-Barthélemy, which becomes an overseas country or territory from 1 January 2012.
- (4) Decision 2010/718/EU shall apply from 1 January 2012. It is therefore appropriate to apply the measures in Decision 2001/822/EC to the island of Saint-Barthélemy that are

¹ OJ L 325, 9.12.2010, p.4.

² OJ L 314, 30.11.2001, p.1.

favourable to the OCTs and that do not involve obligations for them, apart from those relating to development cooperation financing. In this respect, France has undertaken not to apply for European Development Fund intervention for the island of Saint-Barthélemy under the programming for 2007-2013,

HAS ADOPTED THIS DECISION:

Article 1

Annex I A to Decision 2001/822/EC is hereby amended as follows: an indent shall be inserted, between that relating to 'Saint Pierre and Miquelon' and that relating to 'Aruba', which shall read as follows:

" – Saint-Barthélemy, ".

Article 2

This Decision shall enter into force on the day following its publication in the *Official Journal of the European Union*.

Articles 1 to 9, 34, 35, 38, 39(1) and (7), 45(1), (2)(a) and (3), 57 and 58 of Decision 2001/822/EC shall apply to the island of Saint-Barthélemy from 1 January 2012.

Done at Brussels,

For the Council
The President