

## II

*(Acts adopted under the EC Treaty/Euratom Treaty whose publication is not obligatory)*

## DECISIONS

## COUNCIL

## COUNCIL DECISION

of 15 July 2008

**on the signature and provisional application of the Economic Partnership Agreement between the CARIFORUM States, of the one part, and the European Community and its Member States, of the other part**

(2008/805/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 57(2), 71, 80(2), 133(1), 133 (5) and (6) and 181 in conjunction with the first sentence of 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 on Economic Partnership Agreements with ACP countries.
- (2) These negotiations have been concluded and the Economic Partnership Agreement between the CARIFORUM States (comprising Antigua and Barbuda, the Commonwealth of the Bahamas, Barbados, Belize, the Commonwealth of Dominica, the Dominican Republic, Grenada, the Republic of Guyana, the Republic of Haiti, Jamaica, Saint Christopher and Nevis, Saint Lucia, Saint Vincent and the Grenadines, the Republic of Suriname and the Republic of Trinidad and Tobago), of the one Part, and the European Community and its Member States, of the other Part (hereinafter referred to as the Agreement), was initialled on 16 December 2007.
- (3) Pursuant to Article 243(4) of the Agreement, certain elements of the Agreement have been applied on the basis of Council Regulation (EC) No 1528/2007 of 20 December 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 <sup>(1)</sup>.

(4) Article 243(3) of the Agreement provides for its provisional application pending its entry into force.

(5) The Agreement 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.

(6) The Agreement should not seek to affect the rights of investors of the Member States of the European Union to benefit from any more favourable treatment provided for in any agreement relating to investment to which a Member State and a CARIFORUM State are Parties. Member States may maintain and conclude such agreements in so far as they comply with Community law,

HAS DECIDED AS FOLLOWS:

*Article 1*

The signing of the Economic Partnership Agreement between the CARIFORUM States, of the one part, and the European Community and its Member States, of the other part, is hereby approved on behalf of the Community, subject to the conclusion of the said Agreement.

The text of the Agreement is attached to this Decision.

*Article 2*

1. The position to be taken by the Community within the Joint CARIFORUM-EC Council and the CARIFORUM-EC Trade and Development 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.

<sup>(1)</sup> OJ L 348, 31.12.2007, p. 1.

2. For the purposes of Article 228(4) of the Agreement, the President of the Council and a Member of the Commission shall together hold the rotating chairmanship of the Joint CARIFORUM-EC Council and present the position of the Community in accordance with the Treaty. For the purposes of Article 230(2) of the Agreement, a representative of the Commission shall hold the rotating chairmanship of the CARIFORUM-EC Trade and Development Committee and present the position of the Community.

*Article 3*

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

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*Article 4*

As concerns elements falling within the competence of the Community, the Agreement shall be applied on a provisional basis as provided for in Article 243(3) of the Agreement, pending completion of the procedures for conclusion. The Commission shall publish a notice providing information on the date of provisional application.

Done at Brussels, 15 July 2008.

*For the Council*

*The President*

M. BARNIER