

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION

of 14 May 2010

on the signing, on behalf of the European Union, of the Agreement amending for the second time the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000, as first amended in Luxembourg on 25 June 2005

(2010/648/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 217, in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(3) As a consequence of the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union has replaced and succeeded the European Community.

(4) The Agreement should be signed,

HAS ADOPTED THIS DECISION:

- (1) On 23 February 2009 the Council authorised the Commission to open negotiations with the African, Caribbean and Pacific Group of States with a view to amending, for the second time, the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 ⁽¹⁾, as first amended in Luxembourg on 25 June 2005 ⁽²⁾, (hereinafter referred to as ‘the Cotonou Agreement’).
- (2) The negotiations were concluded on 19 March 2010 by the initialling, at an extraordinary ACP-EU Council of Ministers’ meeting, of the texts forming the basis of the Agreement amending for the second time the Cotonou Agreement (hereinafter referred to as ‘the Agreement’).

Article 1

The signing of the Agreement amending for the second time the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000, as first amended in Luxembourg on 25 June 2005 (hereinafter referred to as ‘the Agreement’), together with the joint declarations and the declaration by the Union, attached to the Final Act, is hereby approved on behalf of the Union, subject to the conclusion of the said Agreement.

⁽¹⁾ OJ L 317, 15.12.2000, p. 3.

⁽²⁾ OJ L 209, 11.8.2005, p. 27.

The texts of the Agreement and of the Final Act are attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the Union subject to its conclusion and to make the following declaration, which is attached to the Final Act of the Agreement:

‘As a consequence of the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union has replaced and succeeded the European Community and from that date exercises all rights and assumes all obligations of the European Community. Therefore, references to “the European Community” in the text of the Agreement are, where appropriate, to be read as “the European Union”.

The European Union will propose to the ACP States an Exchange of Letters with the aim of bringing the Agreement into conformity with the institutional changes in the European Union resulting from the entry into force of the Treaty of Lisbon.’.

Article 3

This Decision shall enter into force on the day of its adoption.

Done at Luxembourg, 14 May 2010.

For the Council
The President
D. LÓPEZ GARRIDO