



Brussels, 26.5.2016  
COM(2016) 286 final

2016/0150 (NLE)

Proposal for a

## **COUNCIL DECISION**

**on the position to be adopted on behalf of the European Union within the  
CARIFORUM-EU Trade and Development Committee 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, with regard to the establishment  
of a Special Committee on Agriculture and Fisheries**

## **EXPLANATORY MEMORANDUM**

### **1. CONTEXT OF THE PROPOSAL**

- **Reasons for and objectives of the proposal**

The attached proposal for a Council Decision constitutes the legal instrument for the establishment of a Special Committee on Agriculture and Fisheries in the Economic Partnership Agreement (EPA), signed on 15 October 2008 between the CARIFORUM States, of the one part, and the European Community and its Member States, of the other part. The Agreement is provisionally applied as of 29 December 2008.

Agriculture and fisheries is an important domain of the Agreement, and according to Article 230(4) of the CARIFORUM-EU EPA, any special committee may be set up in order to deal more efficiently with matters related to the implementation of this Agreement. This special committee on agriculture and fisheries will be composed of representatives of the European Commission, on the one hand, and representatives of the CARIFORUM Directorate and the Signatory CARIFORUM States, on the other.

The special committee needs to be established by a decision of the CARIFORUM-EU Trade and Development Committee (composed of representatives of the Parties at senior official level). In this regard, the proposed Council Decision includes as an annex the draft decision agreed by the Parties at the fifth annual meeting of the CARIFORUM-EU Trade and Development Committee that took place in Guyana on 14 July 2015.

- **Consistency with existing policy provisions in the policy area**

The CARIFORUM-EU EPA includes a specific chapter dedicated to Agriculture and Fisheries issues.

- **Consistency with other Union policies**

The establishment of this Special Committee on Agriculture and Fisheries is consistent taking into consideration the conclusion of the last two CARIFORUM-EU Trade and Development Committee annual meetings that took place in Brussels in 2014 and in Guyana in 2015.

### **2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY**

- **Legal basis**

The legal basis for this Council decision is the Treaty on the Functioning of the European Union, in particular Article 207 in conjunction with Article 218(9) thereof.

- **Subsidiarity (for non-exclusive competence)**

The common commercial policy, in accordance with Article 3 of the TFEU, is defined as an exclusive Union competence.

- **Proportionality**

This proposal is necessary in order to establish any special committee, as set out in Article 230(4) of the CARIFORUM-EU EPA text and the rules of procedure of the CARIFORUM-EU Trade and Development Committee.

- **Choice of the instrument**

This proposal is in accordance with Article 218(5) TFEU, which envisages the adoption by the Council of decisions on international agreements. There exists no other legal instrument that could be used in order to achieve the objective expressed in this proposal.

### **3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS**

- **Ex-post evaluations/fitness checks of existing legislation**

Not applicable.

- **Stakeholder consultations**

Not applicable.

- **Collection and use of expertise**

Not applicable.

- **Impact assessment**

Not applicable.

- **Regulatory fitness and simplification**

The Special Committee on Agriculture and Fisheries is not subject to REFIT procedures; it does not imply any costs for the Union; and it does not raise any issues from the viewpoint of the digital environment.

- **Fundamental rights**

The proposal does not have consequences for the protection of fundamental rights in the Union.

### **4. BUDGETARY IMPLICATIONS**

The establishment of this Special Committee on Agriculture and Fisheries has no budgetary implications.

### **5. OTHER ELEMENTS**

- **Implementation plans and monitoring, evaluation and reporting arrangements**

The Special Committee on Agriculture and Fisheries will be composed of representatives of the European Commission, on the one hand, and representatives of the CARIFORUM Directorate and the Signatory CARIFORUM States, on the other.

- **Explanatory documents (for directives)**

Not applicable.

- **Detailed explanation of the specific provisions of the proposal**

The Special Committee on Agriculture and Fisheries will review all aspects of Chapter 5 (“*Agriculture and Fisheries*”) of Title I, Part II, of the CARIFORUM-EU EPA, as well as any other aspect related to agriculture and Fisheries of the Agreement.

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## **COUNCIL DECISION**

**on the position to be adopted on behalf of the European Union within the CARIFORUM-EU Trade and Development Committee 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, with regard to the establishment of a Special Committee on Agriculture and Fisheries**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207 in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Economic Partnership Agreement between the CARIFORUM States, of the one part, and the European Community and its Member States, of the other part<sup>1</sup> ('the Agreement'), was signed on 15 October 2008, and is provisionally applied as of 29 December 2008.
- (2) Pursuant to Article 230(4) of the Agreement, the CARIFORUM-EU Trade and Development Committee may set up and oversee any special committee to deal with matters falling within its competence.
- (3) In order to attain the objectives laid down in Article 37 of the Agreement, a Special Committee on Agriculture and Fisheries should be established to deal more efficiently with matters related to these issues, as agreed in previous CARIFORUM-EU Trade and Development Committee meetings.
- (4) It is appropriate to establish the position to be adopted on behalf of the Union within the CARIFORUM-EU Trade and Development Committee with regard to the establishment of a Special Committee on Agriculture and Fisheries.
- (5) The position of the Union within the CARIFORUM-EU Trade and Development Committee should therefore be based on the attached draft Decision,

HAS ADOPTED THIS DECISION:

### *Article 1*

The position to be adopted on behalf of the Union within the CARIFORUM-EU Trade and Development Committee 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, with regard to the establishment of a Special Committee on Agriculture and Fisheries shall be

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<sup>1</sup> OJ L 289, 30.10.2008, p. 3.

based on the draft decision of the CARIFORUM-EU Trade and Development Committee attached to this Decision.

Minor changes to the draft Decision may be agreed to by the representatives of the Union in the CARIFORUM-EU Trade and Development Committee without further decision of the Council.

*Article 2*

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

Done at Brussels,

*For the Council*  
*The President*