Council of the
European Union

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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject:	COUNCIL DECISION on the accession of the Kingdom of Tonga to the Interim Partnership Agreement between the European Community, of the one part, and the Pacific States, of the other part

COUNCIL DECISION (EU) 2024/…

of …

on the accession of the Kingdom of Tonga to the Interim Partnership Agreement between the European Community, of the one part, and the Pacific States, of the other part

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207(4), first subparagraph, in conjunction with Article 218(6), second subparagraph, point (a)(v), thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament[1],

[1] Consent of … (not yet published in the Official Journal).

Whereas:

(1) On 12 June 2002, the Council authorised the Commission to open negotiations for Economic Partnership Agreements with the African, Caribbean and Pacific Group of States.

(2) The Interim Partnership Agreement between the European Community, of the one part, and the Pacific States, of the other part[2] (the 'Interim Partnership Agreement'), which establishes a framework for an Economic Partnership Agreement, was signed in London on 30 July 2009. The Interim Partnership Agreement has been provisionally applied by the Independent State of Papua New Guinea and the Republic of Fiji since 20 December 2009 and 28 July 2014, respectively.

(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 and from that date exercises all rights and assumes all obligations of the European Community.

(4) Article 80 of the Interim Partnership Agreement lays down the provisions regarding the accession of other Pacific Islands States. Accordingly, the Independent State of Samoa and Solomon Islands have acceded to the Interim Partnership Agreement and have been provisionally applying it since 31 December 2018 and 17 May 2020, respectively.

(5) On 13 July 2023, the Kingdom of Tonga submitted an accession request together with a market access offer to the Union.

[2] OJ L 272, 16.10.2009, p. 2.

(6) The Commission has assessed the Kingdom of Tonga's offer and found it acceptable. Accordingly, the Commission concluded negotiations with the Kingdom of Tonga on 27 September 2023.

(7) In accordance with Article 76(3) of the Interim Partnership Agreement, the Union and the Kingdom of Tonga are to provisionally apply the Interim Partnership Agreement 10 days after notifying each other in writing of the completion of the procedures necessary for that purpose.

(8) The accession of the Kingdom of Tonga to the Interim Partnership Agreement should be approved on behalf of the Union, subject to the Kingdom of Tonga's deposit of the act of accession pursuant to Article 80(2) thereof,

HAS ADOPTED THIS DECISION:

Article 1

1. The accession of the Kingdom of Tonga to the Interim Partnership Agreement between the European Community, of the one part, and the Pacific States, of the other part (the 'Interim Partnership Agreement'), is hereby approved on behalf of the Union, subject to the Kingdom of Tonga's deposit of the act of accession pursuant to Article 80(2) thereof.

2. The Commission shall, on behalf of the Union, notify the other Contracting Parties to the Interim Partnership Agreement and the Kingdom of Tonga of the approval, by the Union, of the accession of the Kingdom of Tonga to the Interim Partnership Agreement.

3. The text of the market access offer of the Kingdom of Tonga is attached to this Decision[+].

Article 2

1. For the purposes of provisionally applying the Interim Partnership Agreement between the Union and the Kingdom of Tonga, the Commission shall, on behalf of the Union, give the notification referred to in Article 76(3) of the Interim Partnership Agreement.

2. The Union and the Kingdom of Tonga shall provisionally apply the Interim Partnership Agreement 10 days after they have notified each other in writing of the completion of the procedures necessary for that purpose in accordance with paragraph 1.

[+] Delegations/OJ: see document ST 7921/24 ADD1.

Article 3

The approval of the accession of the Kingdom of Tonga to the Interim Partnership Agreement shall not be construed as conferring rights or imposing obligations which can be directly invoked before Union or Member State courts or tribunals.

Article 4

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

Done at …, …

For the Council
The President