DECISIONS

COUNCIL DECISION (EU) 2021/918

of 3 June 2021

on the position to be taken on behalf of the European Union within the ACP-EU Committee of Ambassadors as regards the amendment of Decision No 3/2016 of the ACP-EU Committee of Ambassadors on the Centre for the Development of Enterprise

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 209(2), in conjunction with Article 218(9) thereof,

Having regard to 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]),

Having regard to the proposal from the European Commission,

Whereas:

(1) Article 15(4) of 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 ([2]) (the 'ACP-EU Partnership Agreement') states that the ACP-EU Council of Ministers may delegate powers to the ACP-EU Committee of Ambassadors.

(2) At its 39th session held on 19 and 20 June 2014 in Nairobi, the ACP-EU Council of Ministers agreed, in a Joint Declaration, to proceed with the orderly closing of the Centre for the Development of Enterprise (CDE). For that purpose, the ACP-EU Council of Ministers decided to grant a delegation of powers to the ACP-EU Committee of Ambassadors to take the matter forward with a view to adopting the necessary decisions.

(3) On 12 July 2016, the ACP-EU Committee of Ambassadors adopted Decision No 3/2016 ([3]) amending Annex III to the ACP-EU Partnership Agreement to introduce the necessary changes, establish the new legal framework of the CDE as from 1 January 2017, and maintain the legal personality of the CDE, solely for the purposes of its liquidation, as from that date.

(4) Pursuant to Article 2(1) of Decision No 3/2016, a Curator is to ensure the implementation of the passive phase, in which the CDE is to solely exist for the purposes of its liquidation, as from 1 January 2017 for a period of four years or until the CDE has settled all its liabilities and realised all its assets, whichever happens earlier.

(5) By 31 December 2020, the CDE had not settled all its liabilities and realised all its assets. It is therefore necessary to amend Decision No 3/2016 to ensure the proper implementation of the passive phase under the Curator's management and to end that phase. In order to ensure continuity of the passive phase, the amendment of Decision No 3/2016 should apply as of 1 January 2021.

(6) The ACP-EU Committee of Ambassadors is to adopt the amendment to Decision No 3/2016 at one of its meetings, or by written procedure.

(7) It is appropriate to establish the position to be taken on the Union's behalf in the ACP- EU Committee of Ambassadors, as the envisaged act will be binding on the Union,

([1]) OJ L 317, 15.12.2000, p. 3.

([2]) 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 (OJ L 317, 15.12.2000, p. 3).

([3]) Decision No 3/2016 of the ACP-EU Committee of Ambassadors of 12 July 2016 regarding the revision of Annex III to the ACP-EU Partnership Agreement [2016/1163] (OJ L 192, 16.7.2016, p. 77).

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted on the Union's behalf within the ACP-EU Committee of Ambassadors regarding the CDE is:

— to replace Article 2(1) of Decision No 3/2016 of the ACP-EU Committee of Ambassadors by the following:

'1. The European Commission shall contract a Curator to ensure the implementation of the passive phase as from 1 January 2017 until the CDE has settled all its liabilities and realised all its assets.';

— that the decision of the ACP-EU Committee of Ambassadors amending Decision No 3/2016 of that Committee applies as of 1 January 2021.

Article 2

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

After its adoption, the Decision of the ACP-EU Committee of Ambassadors shall be published in the *Official Journal of the European Union*.

Done at Luxembourg, 3 June 2021.

For the Council
The President
P. N. SANTOS