

SOLOMON ISLANDS



Notice of 20 May 2020
[OJ L 158 of 20.5.2020, p1](#)

Council Decision of 17 February 2020
[OJ L 85 of 20.3.2020](#)

Council Decision of 13 July 2009
[OJ L 272, 16.10.2009, p. 2](#)

Article 27 of the Agreement
[OJ L 272 of 16.10.2009](#)

Protocol I
[OJ L 272 of 16.10.2009](#)

Notice concerning the provisional application of the Interim Partnership Agreement between the European Community, of the one part, and the Pacific States of the other part

The European Union and Solomon Islands have notified the completion of the procedures necessary for the provisional application of the Interim Partnership Agreement between the European Community, of the one part, and the Pacific States, of the other part [\(1\)](#), in accordance with Article 76(2) of that Agreement. Consequently, the Agreement applies provisionally as from 17 May 2020 between the European Union and Solomon Islands.

[\(1\) OJ L 272, 16.10.2009, p. 1.](#)

COUNCIL DECISION (EU) 2020/409

of 17 February 2020

on the accession of Solomon Islands 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(3) and the first subparagraph of Article 207(4), in conjunction with point (a)(v) of the second subparagraph of Article 218(6) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament ⁽¹⁾,

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 Papua New Guinea, Fiji and Samoa since 20 December 2009, 28 July 2014 and 31 December 2018, respectively.
- (3) Article 80 of the Interim Partnership Agreement lays down the provisions regarding the accession of other Pacific Island States.
- (4) On 4 June 2018, Solomon Islands submitted an accession request together with a market access offer to the Council.
- (5) The Commission has assessed Solomon Islands’ offer and, after amendments, found it acceptable. Accordingly, the Commission concluded negotiations with Solomon Islands on 23 October 2018.
- (6) In accordance with Article 76(3) of the Interim Partnership Agreement, the Union and Solomon Islands 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.
- (7) The accession of Solomon Islands to the Interim Partnership Agreement should be approved on behalf of the Union, subject to Solomon Islands’ deposit of the act of accession pursuant to Article 80(2) thereof,

HAS ADOPTED THIS DECISION:

Article 1

1. The accession of Solomon Islands 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 Solomon Islands' deposit of the act of accession pursuant to Article 80(2) thereof.

2. The President of the Council shall, on behalf of the Union, notify the other Contracting Parties to the Interim Partnership Agreement and Solomon Islands of the approval, by the Union, of the accession of Solomon Islands to the Interim Partnership Agreement.
3. The text of the market access offer of Solomon Islands is attached to this Decision.

Article 2

1. For the purposes of provisionally applying the Interim Partnership Agreement between the Union and Solomon Islands, the President of the Council shall, on behalf of the Union, give the notification referred to in Article 76(3) of the Interim Partnership Agreement.
2. The Union and Solomon Islands 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.

Article 3

The approval of the accession of Solomon Islands 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 Brussels, 17 February 2020.

For the Council
The President
J. BORRELL FONTELLES

⁽¹⁾ The European Parliament gave its consent on 17 December 2019.
⁽²⁾ [OJ L 272, 16.10.2009, p. 2.](#)

COUNCIL DECISION

of 13 July 2009

**on the signature and provisional application of the Interim Partnership Agreement
between the European Community, of the one part, and the Pacific States, of the other
part**

(2009/729/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133, 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 for Economic Partnership Agreements with ACP countries.
- (2) Negotiations for an Interim Partnership Agreement, which establishes a framework for an Economic Partnership Agreement (hereinafter referred to as the 'interim EPA') were concluded on 23 November 2007 with Papua New Guinea and Republic of the Fiji Islands.
- (3) Article 76(3) of the interim EPA provides for its provisional application pending its entry into force.
- (4) The interim EPA should be signed on behalf of the Community and applied on a provisional basis subject to its conclusion at a later date,

HAS DECIDED AS FOLLOWS:

Article 1

The signing of the Interim Partnership Agreement between the European Community and the Pacific States is hereby approved on behalf of the Community, subject to the Council Decision concerning the conclusion of the said interim EPA.

The text of the interim EPA is attached to this Decision.

Article 2

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

Article 3

The interim EPA shall be applied on a provisional basis as provided for in Article 76(3) of the Agreement, pending completion of the procedures for conclusion. The Commission will publish a notice providing information on the date of provisional application.

Done at Brussels; 13 July 2009.

For the Council

The President

E. ERLANDSSON

PROTOCOL I ON MUTUAL ADMINISTRATIVE ASSISTANCE IN CUSTOMS MATTERS

Article 1

Definitions

For the purposes of this Protocol:

- (a) ‘customs legislation’ means any legal or regulatory provisions applicable in the territories of the EC Party and Pacific States, governing the import, export and transit of goods and their placing under any other customs regime or procedure, including measures of prohibition, restriction and control;
- (b) ‘applicant authority’ means a competent administrative authority which has been designated by a Pacific State or the EC Party for this purpose and which makes a request for assistance on the basis of this Protocol;
- (c) ‘requested authority’ means a competent administrative authority which has been designated by a Party or a Pacific State for this purpose and which receives a request for assistance on the basis of this Protocol;
- (d) ‘personal data’ means all information relating to an identified or identifiable individual;
- (e) ‘operation in breach of customs legislation’ means any violation or attempted violation of customs legislation.

Article 2

Scope

1. The Parties and the Pacific States shall assist each other, in the areas within their competence, in the manner and under the conditions laid down in this Protocol, to ensure the correct application of the customs legislation, in particular by preventing, investigating and combating operations in breach of that legislation.
2. Assistance in customs matters, as provided for in this Protocol, shall apply to any administrative authority of the Parties and the Pacific States and which is competent for the application of this Protocol. It shall not prejudice the rules governing mutual assistance in criminal matters. Nor shall it cover information obtained under powers exercised at the request of a judicial authority, except where communication of such information is authorised by that authority.
3. Assistance to recover duties, taxes or fines is not covered by this Protocol.

Article 3

Assistance on request

1. At the request of the applicant authority, the requested authority shall provide it with all relevant information which may enable it to ensure that customs legislation is correctly applied, including information regarding activities noted or planned which are or could be operations in breach of customs legislation.
2. At the request of the applicant authority, the requested authority shall inform it:
 - (a) whether goods exported from the territory of the Pacific States or the EC Party have been properly imported into the territory of the other Party, specifying, where appropriate, the customs procedure applied to the goods;
 - (b) whether goods imported into the territory of the Pacific States or the EC Party have been properly exported from the territory of the other Party, specifying, where appropriate, the customs procedure applied to the goods.
3. At the request of the applicant authority, the requested authority shall, within the framework of its legal or regulatory provisions, take the necessary steps to ensure special surveillance of:
 - (a) natural or legal persons in respect of whom there are reasonable grounds for believing that they are or have been involved in operations in breach of customs legislation;
 - (b) places where stocks of goods have been or may be assembled in such a way that there are reasonable grounds for believing that these goods are intended to be used in operations in breach of customs legislation;
 - (c) goods that are or may be transported in such a way that there are reasonable grounds for believing that they are intended to be used in operations in breach of customs legislation; and
 - (d) means of transport that are or may be used in such a way that there are reasonable grounds for believing that they are intended to be used in operations in breach of customs legislation.

Article 4

Spontaneous assistance

The Parties and the Pacific States shall assist each other, on their own initiative and in accordance with their legal or regulatory provisions, if they consider that to be necessary for the correct application of customs legislation, particularly by providing information obtained pertaining to:

- activities which are or appear to be operations in breach of customs legislation and which may be of interest to the other Party or a Pacific State,
- new means or methods employed in carrying out operations in breach of customs legislation,

- goods known to be subject to operations in breach of customs legislation,
- natural or legal persons in respect of whom there are reasonable grounds for believing that they are or have been involved in operations in breach of customs legislation, and
- means of transport in respect of which there are reasonable grounds for believing that they have been, are, or may be used in operations in breach of customs legislation.

Article 5

Delivery and notification

At the request of the applicant authority, the requested authority shall, in accordance with legal or regulatory provisions applicable to the latter, take all necessary measures in order:

- to deliver any documents, or
- to notify any decisions, emanating from the applicant authority and falling within the scope of this Protocol, to an addressee residing or established in the territory of the requested authority.

Requests for delivery of documents or notification of decisions shall be made in writing in an official language of the requested authority or in a language acceptable to that authority.

Article 6

Form and substance of requests for assistance

1. Requests pursuant to this Protocol shall be made in writing. They shall be accompanied by the documents necessary to enable compliance with the request. When required because of the urgency of the situation, oral requests may be accepted, but must be confirmed in writing immediately.
2. Requests pursuant to paragraph 1 shall include the following information:
 - (a) the applicant authority;
 - (b) the measure requested;
 - (c) the object of and the reason for the request;
 - (d) the legal or regulatory provisions and other legal elements involved;
 - (e) indications as exact and comprehensive as possible on the natural or legal persons who are the target of the investigations; and
 - (f) a summary of the relevant facts and of the enquiries already carried out.

3. Requests shall be submitted in an official language of the requested authority or in a language acceptable to that authority. This requirement shall not apply to any documents that accompany the request under paragraph 1. 4. If a request does not meet the formal requirements set out above, its correction or completion may be requested. In the meantime precautionary measures may be ordered.

Article 7

Execution of requests

1. In order to comply with a request for assistance, the requested authority shall proceed, within the limits of its competence and available resources, as though it were acting on its own account or at the request of other authorities of that same Party or Pacific State, by supplying information already possessed, by carrying out appropriate enquiries or by arranging for them to be carried out. This provision shall also apply to any other authority to which the request has been addressed by the requested authority when the latter cannot act on its own.
2. Requests for assistance shall be executed in accordance with the legal or regulatory provisions of the requested Party or Pacific State.
3. Duly authorised officials of a Party or Pacific State may, with the agreement of the other Party involved and subject to the conditions laid down by the latter, be present in the offices of the requested authority or any other concerned authority in accordance with paragraph 1 to obtain information relating to activities that are or may be operations in breach of customs legislation which the applicant authority needs for the purposes of this Protocol.
4. Duly authorised officials of a Party or Pacific State involved may, with the Agreement of the other Party or Pacific State involved and subject to the conditions laid down by the latter, be present at enquiries carried out in the latter's territory.

Article 8

Form in which information is to be communicated

1. The requested authority shall communicate results of enquiries to the applicant authority in writing together with relevant documents, certified copies or other items.
2. This information may be in computerised form.
3. Original documents shall be transmitted only upon request in cases where certified copies would be insufficient. These originals shall be returned at the earliest opportunity.

Article 9

Exceptions to the obligation to provide assistance

1. Assistance may be refused or may be subject to the satisfaction of certain conditions or requirements, in cases where a Pacific State or the EC Party is of the opinion that assistance under this Protocol would: (a) be likely to prejudice the sovereignty of a Pacific State or that of a Member State of the European Community which has been requested to provide assistance under this Protocol; or (b) be likely to prejudice public policy, security or other essential interests, in particular in the cases referred to under Article 10(2); or (c) violate an industrial, commercial or professional secret.
2. Assistance may be postponed by the requested authority on the ground that it will interfere with an ongoing investigation, prosecution or proceeding. In such a case, the requested authority shall consult with the applicant authority to determine if assistance can be given subject to such terms or conditions as the requested authority may require.
3. Where the applicant authority seeks assistance which it would itself be unable to provide if so requested, it shall draw attention to that fact in its request. It shall then be for the requested authority to decide how to respond to such a request.
4. For the cases referred to in paragraphs 1 and 2, the decision of the requested authority and the reasons thereof must be communicated to the applicant authority without delay.

Article 10

Information exchange and confidentiality

1. Any information communicated in whatsoever form pursuant to this Protocol shall be of a confidential or restricted nature, depending on the rules applicable in each of the Parties or the Pacific States. It shall be covered by the obligation of official secrecy and shall enjoy the protection extended to similar information under the relevant laws of the Party or the Pacific State that received it and the corresponding provisions applying to the European Community authorities.
2. Personal data may be exchanged only where the Party or the Pacific State which may receive them undertakes to protect such data in at least an equivalent way to the one applicable to that particular case in the Party or the Pacific State that may supply them. To that end, parties shall communicate to each other information on their applicable rules, including, where appropriate, legal provisions in force in the Member States of the European Community.
3. The use, in judicial or administrative proceedings instituted in respect of operations in breach of customs legislation, of information obtained under this Protocol, is considered to be for the purposes of this Protocol. Therefore, the Parties or the Pacific States may, in their records of evidence, reports and testimonies and in proceedings and charges brought before the courts, use as evidence information obtained and documents consulted in accordance with the provisions of this Protocol. The competent authority which supplied that information or gave access to those documents shall be notified of such use.

4. Information obtained shall be used solely for the purposes of this Protocol. Where one of the Parties or Pacific State wishes to use such information for other purposes, it shall obtain the prior written consent of the authority which provided the information. Such use shall then be subject to any restrictions laid down by that authority.

Article 11

Experts and witnesses

An official of a requested authority may be authorised to appear, within the limitations of the authorisation granted, as an expert or witness in judicial or administrative proceedings regarding the matters covered by this Protocol, and produce such objects, documents or certified copies thereof, as may be needed for the proceedings. The request for appearance must indicate specifically before which judicial or administrative authority the official will have to appear, on what matters and by virtue of what title or qualification the official will be questioned.

Article 12

Assistance expenses

The Parties or Pacific States shall waive all claims against each other for the reimbursement of expenses incurred pursuant to this Protocol, except, as appropriate, for expenses of experts and witnesses, and those of interpreters and translators who are not public service employees.

Article 13

Implementation

1. The implementation of this Protocol shall be entrusted on the one hand to the customs authorities of the Pacific States and on the other hand to the competent services of the Commission of the European Communities and the customs authorities of the Member States as appropriate. They shall decide on all practical measures and arrangements necessary for its application, taking into consideration the rules in force in particular in the field of data protection. They may recommend to the competent bodies amendments which they consider should be made to this Protocol.
2. The Parties and the Pacific States shall consult each other and subsequently keep each other informed of the detailed rules of implementation which are adopted in accordance with the provisions of this Protocol.

Article 14

Other agreements

1. Taking into account the respective competences of the European Community and the Member States, the provisions of this Protocol shall:
 - not affect the obligations of the Parties and the Pacific States under any other international agreement or convention,

— be deemed complementary to Agreements on mutual assistance which have been or may be concluded between individual Member States of the European Community and Pacific States, and shall

— not affect the European Community provisions governing the communication between the competent services of the Commission of the European Communities and the customs authorities of the Member States of the European Community of any information obtained under this Protocol which could be of interest to the European Community.

2. Notwithstanding the provisions of paragraph 1, the provisions of this Protocol shall take precedence over the provisions of any bilateral agreement on mutual assistance which has been or may be concluded between individual Member States of the European Community and any Pacific State in so far as the provisions of the latter are incompatible with those of this Protocol.

3. In respect of questions relating to the applicability of this Protocol, the Parties shall consult each other to resolve the matter in the framework of the Trade Committee set up under Article 68 of this Agreement.