



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 07.12.2000
COM(2000) 817 final

Proposal for a

COUNCIL DECISION

**regarding the position to be taken by the Community within the
ACP-EC Committee of Ambassadors with a view to a decision adopting the rules of
procedure of the ACP-EC Council of Ministers**

(presented by the Commission)

EXPLANATORY MEMORANDUM

By virtue of Decision No 1/2000 of 27 July 2000,¹ the ACP-EC Council of Ministers implemented in advance most of the provisions of the Cotonou ACP-EC Partnership Agreement, signed in Cotonou on 23 June 2000.

In accordance with Article 5 of this Decision and on the basis of Article 15(5) of the Agreement, the Council of Ministers must adopt its rules of procedure within six months of the date of entry into force of the Agreement. The rules of procedure of the Council of Ministers adopted by decision of 22 May 1997 shall remain applicable until the adoption of the new rules of procedure.²

The ACP-EC Council of Ministers agreed at Cotonou on 22 June 2000 to delegate powers to the ACP-EC Committee of Ambassadors so that the latter could adopt the said rules of procedure.

It is therefore necessary for the Community to adopt a position on the rules of procedure with a view to a decision by the ACP-EC Committee of Ambassadors. Hence the Commission's presentation of the following proposal for a Council Decision.

The adoption of these rules of procedure will allow the Council of Ministers to continue its work and assume its functions under the Partnership Agreement.

For the most part, the draft rules attached to this proposal are a renewal of the 1997 rules of procedure, adjusted in the light of the new ACP-EC Partnership Agreement.

The Commission therefore proposes that the Council adopt the attached Decision.

¹ OJ L 195, 1.8.2000, p. 46.

² OJ L 220, 11.8.1997, p. 58.

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regarding the position to be taken by the Community within the ACP-EC Committee of Ambassadors with a view to a decision adopting the rules of procedure of the ACP-EC Council of Ministers

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular the second subparagraph of Article 300(2) in conjunction with Article 310 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) By virtue of Decision No 1/2000 of 27 July 2000, the ACP-EC Council of Ministers adopted transitional measures for the early implementation of some provisions of the Cotonou ACP-EC Partnership Agreement, hereinafter referred to as "the Agreement", from 2 August 2000.
- (2) Those provisions include Article 15 of the Agreement, which defines the functions of the Council of Ministers and the general principles of its operation.
- (3) In accordance with Article 5 of Decision No 1/2000, the ACP-EC Council of Ministers must adopt its rules of procedure within six months of the entry into force of this Decision.
- (4) The ACP-EC Council of Ministers agreed by virtue of a Decision of 22 June 2000 to delegate its powers to adopt the Council's rules of procedure to the ACP-EC Committee of Ambassadors.
- (5) The Community's position within the ACP-EC Committee of Ambassadors should be established so that the Committee can adopt a decision on the adoption of the rules of procedure of the ACP-EC Council of Ministers,

HAS DECIDED AS FOLLOWS:

Article 1

The position to be adopted by the Community within the ACP-EC Committee of Ambassadors concerning the adoption of the rules of procedure of the ACP-EC Council of Ministers shall be based on the draft Decision contained in the Annex hereto.

Article 2

Minor technical amendments to the draft rules of procedure may be agreed without a new Council Decision.

Done at Brussels, [...]

*For the Council
The President*

ANNEX

DECISION No .../2000 OF THE ACP-EC COMMITTEE OF AMBASSADORS

of

concerning the adoption of the rules of procedure of the ACP-EC Council of Ministers

THE ACP-EC COMMITTEE OF AMBASSADORS,

Having regard to the ACP-EC Partnership Agreement signed in Cotonou on 23 June 2000, in particular Article 15(5) thereof,

Whereas by a Decision of 22 June 2000 the ACP-EC Council of Ministers delegated its powers to adopt the Council's rules of procedure to the ACP-EC Committee of Ambassadors,

Whereas, by a Decision of 27 July 2000, the ACP-EC Council of Ministers implemented in advance most of the provisions of the ACP-EC Partnership Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

Dates and locations of meetings

1. As provided in Article 15(1) of the ACP-EC Partnership Agreement, hereinafter referred to as the "ACP-EC Agreement", the Council of Ministers, hereinafter referred to as "the Council", shall normally meet once a year, and whenever necessary at the request of one of the parties.
2. The Council shall be convened by its President. The dates of its meetings shall be fixed by common agreement between the parties.
3. The Council shall meet either where the meetings of the Council of the European Union are usually held or at the seat of the General Secretariat of the ACP Group of States or in a city of one of the ACP States, in accordance with the decision taken by the Council.

Article 2

The Council's functions

1. The provisional agenda for every meeting shall be drawn up by the President. It shall be communicated to the other members of the Council at least 30 days before the beginning of the meeting. The provisional agenda shall consist of those items in respect of which a request for inclusion is received by the President at least 30 days before the beginning of the session.
2. The items to appear on the provisional agenda shall be those for which documentation has been transmitted to the Secretariat of the Council in time to be forwarded to the members of the Council and to the members of the Committee of Ambassadors, hereinafter referred to as the "Committee", at least 21 days before the beginning of the meeting.

3. The agenda shall be adopted by the Council at the beginning of each meeting. In urgent cases the Council may decide, at the request of the ACP States or of the Community, to include on the agenda items for which the time limits laid down in paragraph 1 have not been observed.

4. The provisional agenda may be divided into Part A, Part B and Part C.

Items entered in Part A shall be those which can be approved by the Council without discussion.

Items entered in Part B are those matters which need to be discussed by the Council before they are approved.

Items entered in Part C shall be discussed in an informal exchange of views.

Article 3 Proceedings

1. In accordance with Article 15(3) of the ACP-EC Agreement, the Council of Ministers shall take its decisions by common agreement of the Parties.

2. The proceedings of the Council shall be valid only if at least half the members of the Council of the European Union, one member of the Commission and two-thirds of the members representing the Governments of the ACP States are present.

3. All members of the Council unable to attend may be represented. In this case they shall inform the President and shall indicate the person or delegation authorised to represent them. The representative shall exercise all the rights of the member unable to attend.

4. The members of the Council may be accompanied by advisers to assist them.

5. The composition of each delegation shall be communicated to the President before the beginning of each session.

6. A representative of the European Investment Bank, hereinafter referred to as "the Bank" shall be present at sessions of the Council when matters from the areas which concern the Bank are on the agenda.

Article 4 Written Procedures

The Council may decide to take decisions by correspondence on urgent matters. Approval for this procedure may be obtained during a Council meeting or within the Committee of Ambassadors.

At the same time as this procedure is decided upon, a time limit may be fixed within which replies must be given. On the expiry of this time limit, the President of the Council shall decide, on the basis of a report from the two Secretaries of the Council, whether, in view of the replies received, common agreement may be considered to have been reached.

Article 5
Committees and working parties

The Council may set up committees or working parties to carry out work it considers necessary, and in particular to prepare its proceedings where appropriate on areas of cooperation or specific aspects of the Partnership.

Supervision of the work of these committees and working parties may be delegated to the Committee of Ambassadors.

Article 6
Ministerial subgroups

Without prejudice to the provisions of Article 5, the Council may, in the course of its meetings, delegate the preparation of its proceedings and conclusions on specific items on the agenda to subgroups of ministers composed on a parity basis.

Article 7
Ministerial Committees

1. In accordance with Article 83 of the ACP-EC Agreement, the Council shall set up an ACP-EC Development Finance Cooperation Committee. The Council shall adopt the rules of procedure for this Committee.
2. The Council shall examine trade policy issues and reports by the Joint Ministerial Trade Committee in accordance with Article 38 of the ACP-EC Agreement.

Article 8
States attending with observer status

1. Representatives of signatory States to the ACP-EC Agreement, which, on the date of entry into force of the Agreement have not yet completed the procedures referred to in Article 93(1) and (2) thereof, may attend Council sessions as observers. They may in this case be authorised to take part in Council debates.
2. The same rule shall apply to the countries referred to in Article 93(6) of the ACP-EC Agreement.
3. The Council may authorise representatives of a country applying for accession to the ACP-EC Agreement to take part in the proceedings of the Council as observers.

Article 9
Confidentiality and official publications

1. Unless otherwise decided, meetings of the Council shall not be public. Access to meetings of the Council shall require a pass.
2. Without prejudice to such other provisions as may apply, the deliberations of the Council shall be covered by the obligation of professional secrecy unless the Council decides otherwise.
3. Each party may decide to publish the decisions, resolutions, recommendations and opinions of the Council in their respective official publications.

Article 10
Dialogue with non-governmental players

1. The Council may invite economic and social representatives of civil society in the ACP and EU States to take part in an exchange of views on the margins of its ordinary meetings for the purpose of informing them and hearing their opinions and suggestions on items on the agenda.
2. Exchanges of views with representatives of civil society shall be organised by the Council Secretariat. It may delegate this task, in agreement with the Commission, to representative organisations of civil society. In particular, the Council Secretariat may delegate work in connection with exchanges of views with economic and social representatives of ACP and EU civil society to the Economic and Social Committee of the European Union.
3. The items on the agenda to be discussed with non-governmental players shall be decided by the President, acting on a proposal from the Council Secretariat. They shall be communicated to the other members of the Council at the same time as the provisional agenda for each session.

Article 11
Regional and sub-regional organisations

ACP regional and sub-regional organisations may be represented at meetings of the Council and the Committee as observers, subject to prior agreement by the Council.

Article 12
Communications and minutes of meetings

1. All communications provided for in these Rules of Procedure shall be transmitted through the Secretariat of the Council to the representatives of the ACP States, the General Secretariat of the ACP Group of States, the Permanent Representatives of the Member States, the General Secretariat of the Council of the European Union and the European Commission.

Such communications shall also be sent to the President of the Bank when they concern the Bank.

2. Minutes shall be kept of each meeting, noting in particular the decisions taken by the Council.

After their approval by the Council, the minutes shall be signed by the President-in-Office and by the two Secretaries of the Council and shall be kept in the archives of the Council. A copy of the minutes shall be forwarded to the recipients referred to in paragraph 1 of this Article.

Article 13
Documentation

Unless decided otherwise, the Council shall conduct its deliberations on the basis of documents drafted in English and French.

Article 14
Form of acts

1. Decisions, resolutions, recommendations and opinions within the meaning of Article 15(3) of the ACP-EC Agreement shall be divided into article.

They shall be concluded with the formula “Done at ...”, “[date]”, the date being the date of their adoption by the Council.

2. Decisions within the meaning of Article 15(3) of the ACP-EC Agreement shall be entitled “Decision”, followed by a serial number, date of adoption and a description of their subject.

Decisions shall specify the date on which they are to enter into force.

They shall incorporate the following sentence: “The ACP States, the Member States and the Community shall be required, each for its own part, to take the necessary steps to implement this Decision”.

3. Resolutions, declarations, recommendations and opinions within the meaning of Article 15(3) of the ACP-EC Agreement shall be entitled “Resolution”, “Declaration”, “Recommendation” or “Opinion”, followed by a serial number, date of adoption and a description of their subject.

4. Acts adopted by the Council shall be signed by the President and shall be kept in the archives of the Council.

These acts shall be transmitted, through the two Secretaries of the Council, to the recipients referred to in Article 12(1) of these Rules.

Article 15
Presidency

The office of President of the Council shall be held alternately as follows:

- from 1 April to 30 September by a member of the Government of an ACP State,
- from 1 October to 31 March by a member of the Council of the European Union.

Article 16
Committee of Ambassadors

1. The Council may delegate some of its powers to the Committee in accordance with Article 15(4) of the ACP-EC Agreement.
2. The conditions under which the Committee meets shall be laid down in its Rules of Procedure.
3. The Committee shall be responsible for preparing the meetings of the Council and for carrying out any mandate which the Council may entrust to it.

Article 17
Participation in the Joint Parliamentary Assembly

When the Council attends meetings of the Joint Parliamentary Assembly it shall be represented by its President.

Should the President be unable to attend, he shall designate the member who is to take his place.

Article 18
Consistency in Community policies and impact on the implementation of the ACP-EC Agreement

1. When the ACP States request consultations pursuant to Article 12 of the ACP-EC Agreement, such consultations shall be held promptly, as a general rule within fifteen days of the request.
2. The body responsible may be the Council, the Committee of Ambassadors, one of the two ministerial Committees, or an ad hoc Working Party.

Article 19
Secretariat

The Secretariat of the Council and of the ACP-EC Committee of Ambassadors shall be run jointly by two Secretaries.

These two Secretaries shall be appointed after joint consultation, one by the ACP States and the other by the Community.

The Secretaries shall perform their duties in complete independence with a view solely to the interests of the Agreement and shall neither seek nor take instructions from any government, organisation or authority other than the Council and the Committee.

Correspondence intended for the Council shall be sent to the President thereof at the seat of the Council Secretariat.

Done at Brussels, [...]

For the ACP-EC Council of Ministers
The President