



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 07.12.2000  
COM(2000) 819 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 Committee of Ambassadors**

(presented by the Commission)

## **EXPLANATORY MEMORANDUM**

By virtue of a Decision of 27 July 2000,<sup>1</sup> 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 16(3) of the Agreement, the ACP-EC Committee of Ambassadors must adopt its rules of procedure within six months of the date of entry into force of the Decision. The rules of procedure of the ACP-EC Committee of Ambassadors adopted by decision of 24 April 1997 shall remain applicable until the adoption of the new rules of procedure.<sup>2</sup>

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

The adoption of the rules of procedure will allow the Committee of Ambassadors 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

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<sup>1</sup> OJ L 195, 1.8.2000, p. 46.

<sup>2</sup> OJ L 220, 11.8.1997, p. 62.

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 Committee of Ambassadors**

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, 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) One of those provisions is Article 16 of the Agreement, which defines the functions of the Committee of Ambassadors and the general principles of its operation.
- (3) In accordance with Article 5 of Decision No 1/2000, the ACP-EC Committee of Ambassadors must adopt its rules of procedure within six months of the entry into force of this Decision.
- (4) 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 its rules of procedure,

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 Committee of Ambassadors 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

Draft

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

of

concerning the adoption of the rules of procedure of the ACP-EC Committee of Ambassadors

THE ACP-EC COMMITTEE OF AMBASSADORS,

Having regard to the ACP-EC Partnership Agreement signed in Cotonou on 23 June 2000, in particular Article 16(3) thereof,

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 16(2) of the ACP-EC Partnership Agreement, hereinafter referred to as the "ACP-EC Agreement" the Committee of Ambassadors, hereinafter referred to as "the Committee", shall meet regularly to prepare Council meetings and whenever it proves necessary, at the request of one of the parties.
2. The Committee shall be convened by its Chair. The dates of its meetings shall be fixed by common agreement between the parties.
3. The Committee shall meet at the seat of the Council of the European Union or at the seat of the General Secretariat of the ACP Group of States. It may, however, meet in a city of an ACP State if a special decision is taken to this effect.

### *Article 2*

#### *The Committee's Functions*

1. In accordance with Article 16(2) of the ACP-EC Agreement the Committee shall assist the Council of Ministers, hereinafter referred to as "the Council" in carrying out its tasks and shall carry out any mandate which the Council may entrust to it. In this context, it shall monitor implementation of the ACP-EC Agreement and progress towards achieving the objectives set therein.
2. The Committee shall report to the Council, in particular on matters in which competence has been delegated.
3. It shall also submit to the Council any resolutions, recommendations or opinions that it considers necessary or appropriate.

### *Article 3*

#### *Agendas of meetings*

1. The provisional agenda for every meeting shall be drawn up by the Chair. It shall be communicated to the other members of the Committee at least eight days before the date of the meeting.

The provisional agenda shall include those items in respect of which the Chair has received a request for inclusion ten days before the date of the meeting. The only items to be included on the provisional agenda shall be those for which documentation has been submitted to the Secretariat of the Council in time to be forwarded to the members of the Committee at least eight days before the date of the meeting.

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

### *Article 4*

#### *Proceedings*

1. The Committee shall act by common agreement between the Community on the one part and the ACP States on the other.
2. The proceedings of the Committee shall be valid only if at least half of the permanent representatives of the Member States of the Community, one Commission representative and half the members of the ACP Committee of Ambassadors are present.
3. All members of the Committee unable to attend may be represented. In this case they shall inform the Chair 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. Committee members may be accompanied by advisers.
5. A representative of the European Investment Bank, hereinafter referred to as "the Bank", shall be present at Committee meetings when matters concerning it are on the agenda.

### *Article 5*

#### *Written procedures, official publications and form of acts*

Articles 4, 9(3) and 14 of the rules of procedure of the Council of Ministers shall apply to the acts adopted by the Committee.

### *Article 6*

#### *States attending with observer status*

1. Representatives of signatory States to the ACP-EC Agreement which, on the date of its entry into force, have not yet completed the procedures referred to in Article 93 thereof, may attend Committee meetings as observers. They may in this case be authorised to take part in the Committee's debates.

2. The same rule shall apply to the countries referred to in Article 93(6) of the ACP-EC Agreement.
3. The Committee may authorise representatives of a country applying for accession to the ACP-EC Agreement to take part in the proceedings of the Committee as observers.

#### *Article 7*

##### *Confidentiality*

1. Unless otherwise decided, meetings of the Committee shall not be public.
2. Without prejudice to such other provisions as may apply, the Committee's deliberations shall be covered by the obligation of professional secrecy unless the Committee decides otherwise.

#### *Article 8*

##### *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 Committee.

After their approval by the Committee, the minutes shall be signed by the Chair of the Committee and the Secretaries of the Council and shall be kept in the Council archives. Copies of the minutes shall be sent to the recipients listed in paragraph 1 of this Article.

#### *Article 9*

##### *The Chair*

The office of Chair of the Committee shall be held alternately, for six months at a time, by a Permanent Representative of a Member State, designated by the Community, and by a head of mission representing an ACP State designated by the ACP States.

#### *Article 10*

##### *Correspondence and documentation*

1. Correspondence intended for the Committee shall be sent to its Chair at the seat of the Council Secretariat.
2. Unless decided otherwise, the Committee shall conduct its deliberations on the basis of documents drafted in English and French.

## *Article 11*

### *Committees, subcommittees and working parties*

1. The Committee shall be assisted by:
  - (i) the Customs Cooperation Committee provided for in Article 37 of Annex V to the ACP-EC Agreement;
  - (ii) the permanent joint group on bananas provided for in Article 3 of Protocol 5 at Annex V to the ACP-EC Agreement;
  - (iii) the subcommittee on trade cooperation;
  - (iv) subcommittee on sugar;
  - (v) the joint working party on rice;
  - (vi) the joint working party on rum.
2. The Committee may set up other appropriate committees, subcommittees or working parties to carry out the work it considers necessary for the accomplishment of the tasks set out in Article 16(2) of the ACP-EC Agreement.
3. These committees, subcommittees and working parties shall submit reports on their work to the Committee.

## *Article 12*

### *Composition of committees, subcommittees and working parties*

1. With the exception of the Customs Cooperation Committee, the committees, subcommittees and working parties referred to in Article 11 shall comprise ACP ambassadors or their representatives, representatives of the European Commission and, where appropriate, representatives of the Member States.
2. A representative of the Bank shall attend committee, subcommittee and working party meetings where their agendas contain items concerning the Bank.
3. The members of the committees, subcommittees and working parties referred to in Article 11 may be assisted in their tasks by experts.

## *Article 13*

### *Chair of committees, subcommittees and working parties*

1. The committees, subcommittees and working parties referred to in Article 11 shall be jointly chaired by an ACP ambassador for the ACP States and a representative of the Commission for the Community.
2. Without prejudice to paragraph 1 the co-chairs may, in exceptional cases and by common agreement, be represented by any person they designate.



*Article 14*

*Procedures for committee, subcommittee and working party meetings*

The committees, subcommittees and working parties referred to in Article 11 shall meet at the request of one of the two parties after consultation between their chairs and notice of seven days shall be given for such meetings, except in urgent cases.

*Article 15*

*Rules of procedure of committees, subcommittees and working parties*

The committees, subcommittees and working parties referred to in Article 11 may establish their own rules of procedure with the agreement of the Committee.

*Article 16*

*Secretariat*

1. Secretariat work and other work necessary to the operation of the Committee and of the committees, subcommittees and working parties referred to in Article 11 (drafting agendas and distributing the relevant documents) shall be carried out by the Council's Secretariat.
2. As soon as possible after each meeting, the Secretariat shall draft minutes of the meetings of the committees, subcommittees and working parties referred to in Article 11.

These minutes shall be sent by 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.

Done at Brussels, [...]

*For the ACP-EC Council of Ministers  
The President*