

# CONSULTATIVE ASSEMBLY

ACP - EEC

## Working Documents

1981 - 1982

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JOINT COMMITTEE

25 September 1981

ACP-EEC DOCUMENT 28/81

REPORT

drawn up on behalf of the Joint Committee

on the amendments to be made to the  
Consultative Assembly's Rules of Procedure

Rapporteur: Mr G. JAQUET



At its meeting of 26 February 1981 in Freetown (Sierra-Leone), the Joint Committee decided to draw up a report on possible amendments to the ACP-EEC Consultative Assembly's Rules of Procedure.

Mr JAQUET was appointed rapporteur at this meeting.

The Joint Committee considered and adopted the draft report at its meeting of 24 September 1981 in Strasbourg (France).

Present: Mr Cuillabert (Senegal) and Mr Bersani, Joint Presidents; Mrs Parris (Jamaica) and Mr Kühn; Vice-Presidents; Mr Jaquet, rapporteur; Mrs Baduel Glorioso, the representative of Barbados, Mr Battersby (deputizing for Mr Howell), the representative of Benin, Mrs Boserup, the representative of Botswana, the representative of Burundi, the representative of Cameroun, Mrs Carettoni Romagnoli, Mrs Cassanmagnago Cerretti, Mrs Castellina, Mrs Castle, the representative of Central Africa, Mr Clément, Mr Cluskey, Mr Cohen, the representative of Comoro, the representative of Congo, Mr Cottrell (deputizing for Mr Normanton), Mr Denis, Mr Deschamps, the representative of Djibouti, Mr Enright, the representative of Ethiopia, Mrs Ewing, Mr Ferrero, the representative of Fiji, Mr Flanagan, Mrs Focke, Mr Früh, Mr Fuchs (deputizing for Mr Loo), the representative of Gabon, the representative of Gambia, Mr Gourtsen, the representative of Ghana, Mr Glinne, the representative of Guinea, the representative of Guyana, Mr Herklotz (deputizing for Mr Seefeld), Mr Irmer, the representative of the Ivory Coast, Mr Johnson (deputizing for Mr Simmonds), the representative of Kenya, the representative of Lesotho, Mr Lezzi, the representative of Liberia, Mr Luster, the representative of Malawi, the representative of Mali, the representative of Mauritius, the representative of Mauritania, Mr Michel, Mr J. Moreau, Mr Narducci, the representative of Niger, the representative of Nigeria, Mr d'Ormesson, the representative of Papua-New Guinea, Mr Penders, Mrs Poirier, Mr Poniatowski, Mrs Pruvot (deputizing for Mr Haagerup), Mr Puletti, Mrs Rabbethge (deputizing for Mr Ryan), the representative of Rwanda, Mr Sablé, the representative of Sao Tomé and Principe, Mr Schieler, Mr K. Schön, Mr Sherlock, the representative of Sierra Leone, the representative of Somalia, the representative of Sudan, the representative of Surinam, the representative of Swaziland, the representative of Tanzania, the representative of Togo, the representative of Tonga, the representative of Trinidad and Tobago, Mr Turner, the representative of Uganda, the representative of Upper Volta, Mr Vandewiele, Mr Vergeer, Mr Vergès, Mr Vernimmen (deputizing for Mr Colla), Mrs Walz, Mr Wawrzik, the representative of Zaïre, the representative of Zambia, the representative of Zimbabwe.

for Mr Haagerup), Mr Puletti, Mrs Rabbethge (deputizing for Mr Ryan), the representative of Rwanda, Mr Sablé, the representative of São Tomé and Príncipe, Mr Schieler, Mr K. Schön, Mr Sherlock, the representative of Sierra Leone, the representative of Somalia, the representative of the Sudan, the representative of Surinam, the representative of Swaziland, the representative of Tanzania, the representative of Togo, the representative of Tonga, the representative of Trinidad and Tobago, Mr Turner, the representative of Uganda, Mr Vandewiele, Mr Vergeer, Mr Vergès, Mr Vernimmen (deputizing for Mr Colla), Mrs Walz, Mr Wawrzik, the representative of Zaire, the representative of Zambia, the representative of Zimbabwe.

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The Joint Committee hereby submits to the Bureau of the ACP-EEC Consultative Assembly the following motion for a resolution, together with explanatory statement:

MOTION FOR A RESOLUTION

on the amendments to be made to the  
Consultative Assembly's Rules of Procedure

The Bureau of the Consultative Assembly,

- having regard to the Joint Committee's report on the amendments to be made to the Rules of Procedure (Doc. ACP-REC: 28/81),
- having discussed this report,
- hereby submits the following amendments to the Consultative Assembly:

Title page

- |            |            |
|------------|------------|
| - heading  | unchanged  |
| - title    | unchanged  |
| - footnote | - footnote |

Pursuant to Article 175(2) of the ACP-EEC Convention signed at Lomé on 31 October 1979, the Consulative Assembly adopted these Rules of Procedure at its sitting of 25 September 1980 in Luxembourg.

First sentence unchanged

It amended them at its meeting of 1981.

Articles 1 to 20 unchanged

Article 21

- |               |           |
|---------------|-----------|
| - paragraph 1 | unchanged |
| - paragraph 2 | unchanged |
| - paragraph 3 | unchanged |
| - paragraph 4 | unchanged |

Article 21

paragraph 5

Between meetings of the Assembly, the committee shall meet once a year on the initiative of its chairmen. If necessary, an extraordinary meeting may also be convened by decision of the Presidents of the Assembly.

paragraph 5

The Joint Committee shall meet on the initiative of its chairmen. The Joint Committee shall meet once a year in addition to the meeting preceding that of the Consulative Assembly. If necessary, an extraordinary meeting may also be convened by decision of the Presidents of the Assembly.

paragraphs 6, 7 and 8 unchanged

paragraph 9

The committee may depart from the provisions concerning Assembly languages, provided that all its members are able to take an effective part in the proceedings.

paragraph 9

The committee may depart from the provisions concerning Assembly languages, provided that all its members are able to take an effective part in the proceedings. The Bureau may in such circumstances propose that the Joint Committee depart from the provisions concerning the languages to be used in the case of texts and amendments tabled in the course of a meeting.

paragraphs 10, and 11 unchanged

Articles 22 to 24 unchanged

EXPLANATORY STATEMENTINTRODUCTION

On 23 September 1980 the Consultative Assembly adopted amendments to its Rules of Procedure because of the need:

- to adapt them to the new institutional provisions of the Lomé II Convention
- to improve its working methods and those of its Joint Committee.

During the meeting of the Joint Committee in Freetown (Sierra-Leone) from 23 to 26 February 1981 a number of members mentioned the advisability of examining more closely the improvements already made to the Rules of Procedure. In his summing up, Mr BERSANI, Co-Chairman of the Joint Committee, indicated that the following aspects should be reconsidered:

- the composition of the Joint Committee and the procedure for appointing its members
- the procedure for organizing debates
- the language arrangements for the Assembly and its Joint Committee.

Given these precise terms of reference, the proposals submitted by your rapporteur to the Joint Committee are aimed at improving or supplementing the provisions of the Rules of Procedure in respect of these three points. Furthermore, he is proposing that the provisions on the convening of the Joint Committee (Article 21(5)) be reworded in view of the difficulties of interpretation.

(A) Composition of the Joint Committee, procedure for appointing members

One aspect of this problem has already been dealt with in the previous report on the amendments to be made to the Rules of Procedure, namely the question of the number of European Parliament representatives on the Joint Committee. Mr SPENALE, first rapporteur on this matter, pointed out the disadvantages of continually increasing the number of members of the Joint Committee. In his view, these disadvantages were technical (difficulty of finding countries with the necessary infrastructures for a meeting of the Joint Committee), financial, and institutional (as the Joint Committee, because it has become larger, has a tendency to transform itself into a genuine assembly and is therefore losing its character as a parliamentary working committee).



At its meeting in Arusha (27 February 1980), the Joint Committee categorically rejected the proposal to abandon numerical parity for the European Parliament representatives - given that political and legal parity were guaranteed anyway.

There is therefore no point in your rapporteur commenting further on this decision. This means that the composition of the Joint Committee will continue to be dictated by Article 21(1).

Article 21(1)

'There shall be set up a Joint Committee, hereinafter called 'the committee', consisting of one representative from each of the ACP and an equal number of representatives from the European Parliament.'

There remains the problem of the procedure for appointing members of the Joint Committee. Article 21(4) specifies that:

- the Joint Committee is elected by the Assembly from among its members
- the ACP representatives and the representatives of the European Parliament nominate their candidates in each case in accordance with their own procedures. 'The number of candidates put forward shall not exceed the number of seats to be filled'.

This provision, which covers the question of elections and candidates, clearly implies that the procedure applies to named individuals. Perhaps it would be advisable in the interests of greater accuracy and clarity to make the following addition to paragraph 4 Article 21:

'The Committee shall be elected by the Assembly from among its members at each annual meeting. The representatives of the European Parliament on the one hand, and the ACP representatives on the other, shall nominate their candidates by name, in each case in accordance with their own procedure. The number of candidates put forward shall not exceed the number of seats to be filled. Each list of candidates shall also include a candidate for the office of Chairman and two candidates for the posts of Vice-Chairman. Candidatures shall be submitted to the Bureau, which shall place them before the Assembly.'

What then is the situation regarding the appointment of substitutes by full members of the Joint Committee?

The Rules of Procedure are silent on this point, although the practice has been widely recognized, and quite rightly so, as it has been possible as a result to maintain a balance of representatives in the Joint Committee in spite of the practical and financial difficulties inherent in having a membership whose places of origin are widely scattered.

In order to bring the written text into line with current practice, the following sentence should be added to paragraph 8 of Article 21:

'Any Member of the Joint Committee may be represented by a substitute at a meeting, provided the Bureau is notified in advance of the name of the substitute'.

(B) The procedure for convening the Joint Committee

Paragraph 5 of Article 21 reads 'Between meetings of the Assembly, the Committee shall meet once a year on the initiative of its Chairmen. If necessary, an extraordinary meeting may also be convened by decision of the Presidents of the Assembly'.

In order to clarify the procedure for convening the Joint Committee, the paragraph should read as follows:

'The Joint Committee shall meet at the initiative of its Chairmen. The Joint Committee shall meet once a year in addition to the meeting preceding that of the Consultative Assembly. If necessary, an extraordinary meeting may also be convened by decision of the Presidents of the Assembly'.

(C) The procedure for organizing debates

Paragraph 6 of Article 21, as voted by the Consultative Assembly of 23 September 1980, reads:

'In the context of the agenda, the Bureau may propose to the Committee a procedure for the organization of debates. On a proposal from the Chairman the Committee may decide to limit speaking time'.

Although our experience of the application of these provisions is very limited, as only one meeting of the Joint Committee has been held since this new paragraph came into force, the conclusions to be drawn are relatively clear. In the opinion of the majority of participants, the work of the Joint Committee in Freetown was successfully completed and the organization was good because the Bureau availed itself of these provisions. However, there are still a number of difficulties, particularly because of the large number of draft declarations or motions for resolutions tabled at the last minute, which hamper the work of the Joint Committee.

In order to avoid such situations in the future, and to allow business to be organized more clearly and efficiently, the following sentence should be added to paragraph 6 of Article 21:

'The Bureau shall submit to the Joint Committee a list drawn from among those draft declarations or motions for resolutions tabled by one or more members of items to be submitted to the committee at the current meeting, the others being included on the agenda of a future meeting.'

(D) Language arrangements for the Assembly and its Joint Committee

Article 9 states that 'The official languages of the Assembly shall be Danish, German, English, French, Italian and Dutch'. This article should be amended to take account of Greece's accession to the Lomé Convention.

As regards the Joint Committee, Article 21(9) specifies that 'The Committee may depart from the provisions concerning Assembly languages, provided that all its members are able to take an effective part in the proceedings'.

The Joint Committee has never made use of this provision to date. However, it is becoming more difficult and costly to carry out all the Joint Committee's work in all the official languages.

About two-thirds of the staff of the European Parliament present at recent meetings of the Joint Committee consisted of officials either directly (interpreters and translators) or indirectly (secretaries) involved in language work.

Although this figure may seem high, it is now practically impossible to have all texts tabled at meetings translated into all the languages under satisfactory conditions unless the number of translators is increased further (at present there is only one translator per language).

Your rapporteur is fully aware of the impossibility of changing the language arrangements (Article 9) for the Consultative Assembly and its Joint Committee unless the Community itself changes its position on this matter.

However, it might be useful to clarify the provisions of Article 21(9) so that they can be applied in practice in certain cases, as this does not happen at present.

The clarification would relate to the languages in which the texts or amendments tabled in the course of a meeting of the Joint Committee are distributed.

With this in mind, the following sentence should be added to paragraph 9 of Article 21:

'In particular, the Bureau may propose that the Joint Committee depart from the provisions concerning the languages to be used in the case of texts and amendments tabled in the course of a meeting'.

