



COMMISSION OF THE EUROPEAN COMMUNITIES

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Proposal for a

COUNCIL DECISION

concerning the conclusion of the Protocol on the extension of the Cooperation Agreement between the European Community and Brunei-Darussalam, Indonesia, Malaysia, the Philippines, Singapore, Thailand and Viet Nam member countries of the Association of South-East Asian Nations, to Cambodia

(presented by the Commission)

EXPLANATORY MEMORANDUM

Approval of a proposal for a Council decision to conclude the Protocol

The attached proposal concerns a Council Decision to conclude the Protocol amending the existing Co-operation Agreement between the European Community and the member countries of ASEAN to the Kingdom of Cambodia.

1. The negotiations and the initialisation of the Protocol between the European Community and the ASEAN took place in Brussels on 16 June 2000. The text is in conformity with the negotiation directive adopted on 28 February 2000. It does not include any financial protocol.
2. In accordance with Articles 133 and 181, in conjunction with the first sentence of Article 300 (2) and the first paragraph of Article 300 (3) of the Treaty establishing the European Community, the opinion of the European Parliament is required.
3. Subsequently, the Council is requested to adopt the Proposal for a Decision to conclude the Protocol to the existing Co-operation Agreement between the European Community and the member countries of the ASEAN.

Proposal for a

COUNCIL DECISION

concerning the conclusion of the Protocol on the extension of the Cooperation Agreement between the European Community and Brunei-Darussalam, Indonesia, Malaysia, the Philippines, Singapore, Thailand and Viet Nam member countries of the Association of South-East Asian Nations, to Cambodia

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 135 and 181, in conjunction with the first sentence of Article 300 (2) and the first paragraph of Article 300 (3) thereof,

Having regard to the proposal from the Commission¹,

Having regard to the opinion of the European Parliament²,

Whereas:

- (1) The Commission has negotiated on behalf of the Community a Protocol on the extension of the Cooperation Agreement between the European Community and Brunei-Darussalam, Indonesia, Malaysia, the Philippines, Singapore, Thailand and Viet Nam member countries of the Association of South-East Asian Nations, to Cambodia.
- (2) This Agreement initialled on 16 June 2000 should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Protocol on the extension to Kingdom of Cambodia of the Cooperation Agreement between the European Community and the member countries of ASEAN is hereby approved on behalf of the European Community.

The text of the Protocol is attached to this Decision.

¹ OJ C . . , p. .
² OJ C . . , p. .

Article 2

The President of the Council is hereby authorised to designate the person empowered to sign the Agreement in order to express the consent of the Community to be bound thereby³.

Done at Brussels,

*For the Council
The President*

³ The date of entry into force of the Agreement will be published in the *Official Journal of the European Communities* by the General Secretariat of the Council.

PROTOCOL ON THE EXTENSION OF
THE COOPERATION AGREEMENT BETWEEN THE MEMBER COUNTRIES OF
ASEAN AND THE EUROPEAN COMMUNITY AND THE KINGDOM OF
CAMBODIA

The Government of Brunei Darussalam,
The Government of the Republic of Indonesia,
The Government of Malaysia,
The Government of the Republic of the Philippines,
The Government of the Republic of Singapore,
The Government of the Kingdom of Thailand,
The Government of the Socialist Republic of Viet Nam

and

The Royal Government of Cambodia,

of the one part,

The Council of the European Union,

of the other part,

HAVING REGARD to the Cooperation Agreement between the European Economic Community and Indonesia, Malaysia, the Philippines, Singapore and Thailand - member countries of the Association of Southeast Asian Nations signed on 7 March 1980 in Kuala Lumpur, and extended to Brunei Darussalam on 16 November 1984 and to Viet Nam on 14 February 1997⁴, hereinafter referred to as the "Agreement",

WHEREAS the Kingdom of Cambodia as a new member of the Association of South East Asian Nations has applied to accede to the Agreement,

HAVE DECIDED to extend the Agreement to the Kingdom of Cambodia and to this end have designated as their Plenipotentiaries:

THE GOVERNMENT OF BRUNEI DARUSSALAM:

THE GOVERNMENT OF THE REPUBLIC OF INDONESIA:

THE GOVERNMENT OF MALAYSIA:

THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES:

⁴ OJ L 117, 5.5.1999.

THE GOVERNMENT OF THE REPUBLIC OF SINGAPORE:

THE GOVERNMENT OF THE KINGDOM OF THAILAND:

THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIET NAM

THE ROYAL GOVERNMENT OF CAMBODIA:

The COUNCIL OF THE EUROPEAN UNION:

WHO, having exchanged their full powers, found in good and due form,

HAVE AGREED AS FOLLOWS,

Article 1

The Kingdom of Cambodia accedes to the Agreement by virtue of this Protocol.

Article 2

The provisions of the Agreement together with the Protocol concerning Article 1 of the Agreement shall apply to the Kingdom of Cambodia.

Article 3

The application of the Agreement to the Kingdom of Cambodia shall not affect the application of the Cooperation Agreement between the European Community and the Kingdom of Cambodia signed on 29 April 1997 and which entered into force on 1 November 1999.⁵

Article 4

This Protocol shall enter into force on the first day of the month following the date on which the Parties have notified each other of the completion of the procedures necessary for this purpose.

Article 5

This Protocol is drawn up in eleven originals in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish and Swedish languages, each of these texts being equally authentic

Done at, this day of in the year two thousand.

⁵ OJ L 269, 19.10.1999.

For the Government of Brunei Darussalam

(signature)

For the Government of the Republic of Indonesia

(signature)

For the Government of Malaysia

(signature)

For the Government of the Republic of the Philippines

(signature)

For the Government of the Republic of Singapore

(signature)

For the Government of the Kingdom of Thailand

(signature)

For the Government of the Socialist Republic of Viet Nam

(signature)

For the Royal Government of Cambodia

(signature)

For the Council of the European Union

(signature)

FINANCIAL STATEMENT

PART I : FINANCIAL IMPLICATIONS

1. TITLE OF OPERATION

Concerning the extension of the existing Cooperation Agreement between the European Community and the Association of South-East Asia Nations (ASEAN) to the Kingdom of Cambodia.

2. BUDGET HEADINGS INVOLVED

- Part A (see Point 10)

- Part B (see Annex II)

3. LEGAL BASIS

Articles 133 and 181, in conjunction with the first sentence of Article 300 (2) and the first paragraph of Article 300 (3) of the Treaty establishing the European Community.

4. DESCRIPTION OF OPERATION

4.1 General objective

Extension of the existing EC-ASEAN Cooperation Agreement to Cambodia

4.2 Period cover and arrangements for renewal

Renewable in line with EC-ASEAN Cooperation Agreement

5. CLASSIFICATION OF EXPENDITURE OR REVENUE

5.1 Non compulsory expenditure

5.2 Differentiated appropriations

5.3 The projects launched under the protocol will not engender any specific revenue

6. TYPE OF EXPENDITURE

6.1 Grant up to 100% :

7. FINANCIAL IMPACT

7.1. Method of calculating total cost of operation (relation between individual and total cost

The cost of individual action for most of the credit lines possibly concerned will be decided and calculated on a case by case basis

7.2 Itemised breakdown of cost: not applicable

7.3. Schedule of commitment and payment appropriations

On request, following approval of the project by the Commission departments and up to an amount not exceeding the appropriations to be entered under the relevant budget headings, in each annual budgetary procedure

8. Fraud prevention measures

The member countries of ASEAN and the Commission will apply the normal control measures in the implementation of the agreement, as foreseen by each Financing Agreement and contracts

9. ELEMENTS OF COST-EFFECTIVENESS ANALYSIS

9.1. Specific and quantified objectives; target population

To be defined on a case by case basis

9.2. Grounds for the operation:

To be defined on a case by case basis

9.3. Monitoring and evaluation of the operation

To be defined on a case by case basis and included in each financing agreement and contract

10. ADMINISTRATIVE EXPENDITURE (SECTION III, PART A OF THE BUDGET)

Actual mobilisation of the necessary administrative resources will depend on the Commission's annual decision on the allocation of resources, taking into account the number of staff and additional resources authorised by the budgetary authority. The allocation of supplementary resources is to be considered in the context of priorities to be decided by the Commission within the limits of budgetary means available in the annual budget.

10.1 Effect of the number of posts

Type of Post	Staff to be assigned to managing the operation		Source		Duration
	Permanent posts	Temporary posts	Existing resources in the DG or department concerned	Additional resources	
	3				
Officials or A	1	-	1A	-	
temporary B	1	-	1B	-	
staff C	1	-	1C	-	
TOTAL	3	-	3	-	-

10.2 Overall financial impact of additional human resources

	Amounts	Method of calculation (Euro)
Officials		
Temporary staff		
Other resources (indicate budget heading)		
TOTAL		

The costs of the human resources required will be covered by existing resources.

The estimated annual cost for titles A1, A2, A4 and A5 is 324,000/year (3 men/year x 108,000).

10.3 Increase in other administrative expenditure as a result of the operation

Budget heading	Amounts in Ecu	Method of calculation
A 1300 (missions)		
A 2510 (Joint Commission)		
TOTAL		

The costs for the managing and monitoring of the Agreement will be through missions covered by existing resources.

FINANCIAL STATEMENT

1. TITLE OF OPERATION

Negotiation of the extension of the existing Co-operation Agreement between the **European Community** and the ASEAN to the Kingdom of Cambodia.

2. BUDGET HEADINGS INVOLVED

a) Budget headings whose application is conditional on the existence of a Co-operation Agreement:

b) Other budget headings for which the application is not conditional on the existence of a co-operation agreement:

- B7-20 Food aid and support operations
- B7-21 Humanitarian aid
- B7-30 Co-operation with Asian developing countries
- B7-60 Community measures to support NGOs
- B7-61 Training and promotion of awareness of development issues
- B7-62 Environment, health and the fight against drugs in the developing countries
- B7-64 Specific aid schemes in the field of development
- B7-65 Measures to combat fraud in the co-operation sector and management and assessment of Community aid
- B7-70 European initiative for democracy and human rights

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DOCUMENTS

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