



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 25.10.2000
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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 to adopt rules of procedure for the Joint ACP-EC Ministerial Trade Committee

FR

(presented by the Commission)

EXPLANATORY MEMORANDUM

By virtue of a Decision of 27 July 2000 the ACP-EC Council of Ministers implemented some of the provisions of the Cotonou ACP-EC Partnership Agreement in advance, with effect from 2 August 2000, pending the entry into force of the full Partnership Agreement.

Among those provisions is Article 38 of the Agreement, which establishes a Joint Ministerial Trade Committee; Article 38(3) provides that its rules of procedure shall be adopted by the ACP-EC Council of Ministers.

The ACP-EC Council of Ministers agreed on 22 June 2000 at Cotonou to delegate its powers to the ACP-EC Committee of Ambassadors so that the latter could adopt the 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 the rules of procedure will enable the Joint ACP-EC Ministerial Trade Committee to be set up and to meet at the earliest opportunity so as to begin its important work on trade matters under the Partnership Agreement.

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 to adopt rules of procedure for the Joint ACP-EC Ministerial Trade Committee

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 a Decision No 1/2000 of 27 July 2000,¹ the ACP-EC Council of Ministers adopted transitional measures implementing some of the provisions of the Cotonou ACP-EC Partnership Agreement, hereinafter referred to as "the Agreement", from 2 August 2000.
- (2) These provisions include Article 38 of the Agreement; paragraph 1 of which provides for the setting up of a Joint ACP-EC Ministerial Trade Committee, hereinafter referred to as "the Committee".
- (3) Article 38(3) provides that the Committee's rules of procedure shall be laid down by the ACP-EC Council of Ministers.
- (4) The ACP-EC Council of Ministers agreed by virtue of a Decision of 22 June 2000 to delegate its powers regarding the adoption of the Committee's rules of procedure to the ACP-EC Committee of Ambassadors.
- (5) It is necessary to establish the position to be taken by the Community within the ACP-EC Committee of Ambassadors with a view to the Committee's decision on the adoption of the rules of procedure for the Joint ACP-EC Ministerial Trade Committee,

HAS DECIDED AS FOLLOWS:

Article 1

The position to be taken by the Community within the ACP-EC Committee of Ambassadors regarding the adoption of rules of procedure for the Joint ACP-EC Ministerial Trade Committee shall be based on the draft Decision attached at Annex.

¹ OJ L 195 of 1.8.2000

Article 2

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

Done at Brussels, [...]

*For the Council
The President*

ANNEX

JOINT MINISTERIAL TRADE COMMITTEE

DRAFT RULES OF PROCEDURE

THE ACP-EC COMMITTEE OF AMBASSADORS,

Having regard to the Partnership Agreement between the Members of the African, Caribbean and Pacific Group of States, of the one part, and, the European Community and its Member States of the other part, hereinafter referred to as “the Agreement”, and in particular Article 38(3) thereof,

Whereas:

- (1) In accordance with Decision No 1/2000 of 27 July 2000² of the ACP-EC Council of Ministers the relevant parts of the Agreement provisionally entered into force on 2 August 2000.
- (2) Article 38 of the Agreement sets up a Joint Ministerial Trade Committee.
- (3) By Decision of 22 June 2000, the ACP-EC Council of Ministers delegated its powers as regards the adoption of the Rules of Procedure of that Committee to the ACP-EC Committee of Ambassadors,

HAS DECIDED AS FOLLOWS:

Article 1

Composition

1. The Joint Ministerial Trade Committee, hereafter referred to as “the Trade Committee”, shall be composed, on the one hand of a minister from each Member State of the European Community and a Member of the European Commission and, on the other hand, an equal number of ministers of the ACP States.
2. Each party shall communicate the names of its representatives to the Secretariat of the Trade Committee.

² OJ L 195 of 1.8.2000

Article 2

Presidency

The Trade Committee shall be presided alternately, for a period of six months, by the Member of the European Commission on behalf of the European Community, and by a representative of the ACP States. The first chairman shall be a representative of the ACP States.

Article 3

Meetings

1. The Trade Committee shall meet at least once a year or more frequently at the request of either party.
2. Each session shall be held in a place mutually agreed by the parties.
3. The meetings of the Trade Committee shall be convened by its Secretariat.
4. The proceedings of the Trade Committee shall be valid only if at least a majority of the representatives of the European Community including a member of the European Commission and a majority of the representatives of the ACP States are present.

Article 4

Representation

1. The members of the Trade Committee may be represented if they are prevented from attending.
2. A member wishing to be so represented must notify the Chairman of the name of the representative prior to the meeting.
3. The designated representative of a member of the Trade Committee shall exercise all the rights of that member.

Article 5

Delegations

1. The members of the Trade Committee may be accompanied by trade officials.
2. Before each meeting, the Chairman shall be informed of the intended composition of the delegation of each party.
3. The Trade Committee may, by agreement between the parties, invite non-members to attend its meetings.

4. Representatives of regional or sub-regional organisations of the ACP engaged in an economic integration process may attend the meeting as observers, subject to approval by the Trade Committee.

Article 6

Secretariat

The Secretariat of the [ACP-EC] Council of Ministers shall act as Secretariat of the Trade Committee.

Article 7

Documents

The ACP General Secretariat and the European Commission shall be responsible for the establishment of all the documents necessary for the meetings of the Trade Committee.

When the deliberations of the Trade Committee are based on written supporting documents, such documents shall be numbered and circulated as documents of the Trade Committee by its Secretariat.

Article 8

Correspondence

1. All correspondence addressed to the Trade Committee or to the President of the Trade Committee shall be forwarded to the Secretariat of the Trade Committee.
2. The Secretariat shall ensure that correspondence is forwarded to its addressees, and, in the case of documents referred to in Article 7 to other members of the Trade Committee. Correspondence circulated shall be sent to the Secretariat General of the European Commission, the Permanent Representations of the Member States of the European Community and the diplomatic missions of the representatives of the ACP States.

Article 9

Publicity

Unless otherwise decided, the meetings of the Committee shall not be public.

Article 10

Agenda for meetings

1. A provisional agenda shall be drawn up by the Chairman for each meeting. It shall be forwarded by the Secretariat of the Trade Committee to the addressees not later than 15 days before the beginning of the meeting.
2. The provisional agenda shall include the items in respect of which the President has received a request for inclusion in the agenda from either party not later than 21 days before the beginning of the meeting. Requests for the inclusion of items in the agenda may also be presented by the ACP-EC sub-Committee on Trade Cooperation. In this case, the Co-Chairmen of the sub-Committee on Trade Cooperation shall be invited to participate in the meeting.
3. In agreement with the parties the time limits laid down may be shortened in order to take account of the requirements of a particular case.
4. The agenda shall be adopted by the Trade Committee at the beginning of each meeting.

Article 11

Minutes

1. Draft minutes of each meeting shall be drawn up as soon as possible jointly by the Secretariat.
2. The minutes shall, as a general rule, indicate in respect of each item on the agenda:
 - (a) the documentation submitted to the Trade Committee;
 - (b) statements which a member of the Trade Committee has requested to be entered;
 - (c) the recommendations made, the statements agreed upon and the conclusions adopted on specific items.
3. The minutes shall also include a list of members of the Trade Committee or their representatives who participated at the meeting.
4. The draft minutes shall be submitted to the Trade Committee for approval at its next meeting. The draft minutes can also be agreed in writing by the two parties. When approved, two authentic copies of the minutes shall be signed by the Secretariat and be filed by the parties. A copy of the minutes shall be forwarded to each of the recipients referred to in Article 8.

Article 12

Recommendations

1. The Trade Committee shall make its recommendations on all trade issues, including issues relating to the preparation, negotiation and follow-up of economic partnership agreements, co-operation in international fora and commodity issues, by agreement between the parties.
2. Between meetings, the Trade Committee may make recommendations by written procedure if both parties so agree. A written procedure consists of an exchange of notes between the two co-secretaries of the Secretariat, acting in agreement with the parties.
3. The recommendations of the Trade Committee shall be entitled “recommendation”, followed by a serial number, the date of their adoption and a description of their subject.
4. The recommendations of the Trade Committee shall be authenticated by the Secretariat and by the Chairman.
5. Recommendations shall be forwarded to each of the addresses referred to in Article 8 as documents of the Trade Committee.

The Trade Committee shall make periodic reports to the [ACP-EC] Council of Ministers.

Article 13

Languages

Unless decided otherwise, the Trade Committee shall debate on the basis of documentation established in English and French.

Article 14

Expenses

1. The EU Member States and the ACP States shall normally each meet the expenses they incur by reason of their participation in the meetings of the Trade Committee, both with regard to staff, travel and subsistence expenditure and the postal and telecommunications expenditure.

2. Expenditure related to the material organisation of meetings or in connection with interpreting at meetings, translation and reproduction of documents shall be borne by the party that hosts the meeting.

Done at [Brussels]

*For the ACP-EC Committee of Ambassadors
The President*