



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 13.06.2001
COM(2001) 311 final

Proposal for a

COUNCIL DECISION

**regarding the position to be taken by the Community within the
ACP-EC Council of Ministers with a view to a decision on
the adoption of the rules of procedure of the ACP-EC Development Finance
Cooperation Committee**

(presented by the Commission)

EXPLANATORY MEMORANDUM

By virtue of a Decision of 27 July 2000¹ the ACP-EC Council of Ministers implemented in advance, with effect from 2 August 2000, most of the provisions of the Cotonou ACP-EC Partnership Agreement, signed in Cotonou on 23 June 2000.

Article 83(1) of the ACP-EC Agreement sets up an ACP-EC Development Finance Cooperation Committee within the ACP-EC Council of Ministers.

Article 83(4) requires the ACP-EC Council of Ministers to adopt the rules of procedure of the ACP-EC Development Finance Cooperation Committee, including the conditions for representation and the number of members of the Committee, the detailed arrangements for their deliberations and the conditions for holding the chair.

It is therefore necessary for the Community to adopt a position on the adoption of the rules of procedure with a view to a decision by the ACP-EC Council of Ministers. The Commission is accordingly presenting the following proposal for a Council Decision.

The adoption of rules of procedure will enable the Development Cooperation Finance Committee to carry out the role assigned it under the Partnership Agreement.

The draft rules of procedure attached to this proposal are largely based on the previous rules,² suitably amended to bring them into line with 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 ACP-EC Council of Ministers Decision No 6/91 of 6 May 1991.

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the adoption of the rules of procedure of the ACP-EC Development Finance
Cooperation Committee**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the proposal from the Commission,

Whereas:

- (1) By Decision No 1/2000 of 27 July the ACP-EC Council of Ministers implemented in advance, with effect from 2 August 2000, most of the provisions of the ACP-EC Partnership Agreement signed in Cotonou, hereinafter referred to as "the Agreement".
- (2) Among these provisions is Article 83, which sets out the work of the ACP-EC Development Finance Cooperation Committee and the general principles of its operation.
- (3) Article 83(4) requires the ACP-EC Council of Ministers to adopt the rules of procedure of the ACP-EC Development Finance Cooperation Committee.
- (4) It is therefore necessary for the Community to adopt a position within the ACP-EC Council of Ministers with a view to the adoption of the rules of procedure,

HAS DECIDED AS FOLLOWS:

Sole Article

The position to be taken by the Community within the ACP-EC Council of Ministers regarding the adoption of rules of procedure for the ACP-EC Development Cooperation Finance Committee shall be based on the draft Decision attached at Annex.

Done at Brussels,

*For the Council
The President*

ANNEX

Draft

DECISION No/2001 OF THE ACP-EC COUNCIL OF MINISTERS

Of.....

adopting the rules of procedure of the ACP-EC Development Finance Cooperation Committee

THE ACP-EC COUNCIL OF MINISTERS,

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 ACP-EC Partnership Agreement signed in Cotonou on 23 June 2000, hereinafter referred to as "the Agreement", and in particular Article 83(4) thereof,

Whereas, by Decision No 1/2000 of 27 July, the ACP-EC Council of Ministers implemented in advance most of the provisions of the Agreement;

Whereas Article 83(1) of the ACP-EC Agreement sets up an ACP-EC Development Finance Cooperation Committee within the ACP-EC Council of Ministers, hereinafter referred to as "the Committee",

HAS DECIDED AS FOLLOWS:

Article 1

Composition of the Committee

- (1) The Committee shall comprise, on the one hand, the members of the Council of the EU and a member of the Commission of the European Communities and, on the other, on a basis of parity, ministers of the ACP States.
- (2) Every year the Community and its Member States, on the one hand, and the ACP States, on the other, shall appoint their representatives on the Committee and duly notify the Committee's secretariat.
- (3) Each member of the Committee shall appoint their authorised representative and notify their choice to the Committee's secretariat.
- (4) Any member of the Committee unable to attend a meeting may be represented. The representative shall exercise all the rights of the accredited member.
- (5) The Chairman of the ACP-EC Committee of Ambassadors or his representative shall attend meetings of the Committee.

- (6) The Directors of the Centre for Enterprise Development and of the Technical Centre for Agricultural and Rural Cooperation or their representatives shall attend the Committee's proceedings when the issues under discussion concern them.
- (7) A representative of the European Investment Bank shall be present at the Committee's meetings.
- (8) The members of the Committee and their authorised representatives may be assisted by advisers.

Article 2

Chairing the Committee

- (1) The Committee shall be chaired for six-month periods by the ACP States and the Community alternately. On the Community side, the position of Chair shall rotate among members of the Council of the European, working in close consultation with the Commission.

Article 3

Procedural rules

- (1) The Committee shall meet every three months. It shall meet at ministerial level at least once a year and normally coincide with a meeting of the ACP-EC Council of Ministers.
- (2) Other meetings at ministerial level shall be held at the request of one of the parties and at a venue to be agreed by both parties.
- (3) Meetings at the level of authorised representatives shall be held at the normal venues of meetings of the Council of the EU, the ACP General Secretariat or any other venue to be decided by the Committee.
- (4) Unless otherwise decided, meetings of the Committee shall not be public.

Article 4

Powers

- (1) The Committee shall exercise the powers conferred on it under the relevant articles of the Agreement.
- (2) Each year it shall adopt its work programme.

Article 5

Proceedings

- (1) The Committee shall take decisions by agreement between the Community and the ACP States.
- (2) The proceedings of the Committee shall be valid only if at least half of the representatives of the Member States of the Community, a Commission representative and at least half of the ACP representatives are present.
- (3) Without prejudice to such other provisions as may apply, the deliberations of the Committee shall be covered by the obligation of professional secrecy unless the Committee decides otherwise.

Article 6

Agendas for meetings

- (1) The Committee shall be convened by its Chair, either on his or her own initiative or at the request of the ACP States of the Community.
- (2) At least three weeks before the scheduled date of the meeting, the Committee's secretariat shall send the members of the Committee a draft agenda, accompanied by any relevant documents.
- (3) 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 representatives of the ACP States or of the Community, to put on the agenda items for which the time-limit laid down in paragraph 2 has not been observed.

Article 7

Technical working party

- (1) A working party shall be set up for the purpose of preparing items of a technical nature and drafting all the documents to be submitted to the Committee.
- (2) The working party shall include, *inter alia*, a representative of each co-Chair of the Committee and of the Committee's secretariat. A representative of the European Investment Bank shall participate in its work, where appropriate. The co-Chair may be assisted by other members of the Committee.
- (3) The working party shall meet regularly in order to do the work assigned to it by the Committee.

Article 8

Secretariat

- (1) The Committee's secretarial services shall be provided by the Secretariat of the ACP-EC Council of Ministers.

(2) After each meeting of the Committee, the record of the proceedings shall be sent to the Committee members within the next three weeks. The record shall be submitted at the start of the next meeting for approval.

Done at Brussels,

For the Council of Ministers

The President