

FOURTH ACP-EC CONVENTION OF LOMÉ

as revised by the Agreement signed in Mauritius on 4 November 1995

RULES OF PROCEDURE OF THE COUNCIL OF MINISTERS

(97/537/EC)

Article 1

1. The Council of Ministers, hereinafter called the 'Council', shall be convened by its President for the annual meeting provided for in Article 341 (1) of the fourth ACP-EC Convention, hereinafter referred to as the 'Convention' on a date to be fixed by the President after consulting the members of the Council.

2. The Council shall likewise meet, in special session, at the request either of the ACP-States or of the Community, on a date to be fixed by the President after consulting the members of the Council.

Article 2

The Council shall meet either where the meetings of the Council of the European Union are usually held or at the seat of the General Secretariat of the ACP Group of States or in a city of one of the ACP States, in accordance with the decision taken by the Council.

Article 3

1. The provisional agenda for each meeting shall be drawn up by the President. It shall be communicated to the other members of the Council at least 30 days before the beginning of the meeting.

The provisional agenda shall consist of those items in respect of which a request for inclusion has reached the President at least 30 days before the beginning of the meeting.

The only items to appear on the provisional agenda shall be those in respect of which the relevant documentation has been transmitted to the Secretariat of the Council in time to be forwarded to the members of the Council and to the members of the Committee of Ambassadors, hereinafter called the 'Committee', at least 21 days before the beginning of the meeting.

2. The agenda shall be adopted by the Council at the beginning of each meeting. In urgent cases the Council 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.

3. The provisional agenda may be divided into a part A and a part B.

Items entered in Part A shall be those on which approval by the Council is possible without debate.

Items entered in Part B are those matters which require debate by the Council. In this context, the Council may hold a thorough examination of major areas of cooperation, if need be after preparatory work in accordance with Article 342 (6) of the Convention.

4. The Ministers present at a Council meeting may decide to have an exchange of views on certain items of common interest (part C items) which will be of an informal nature and which shall not be part of the formal business of the Council.

Article 4

1. The members of the Council may be accompanied by advisers to assist them.

2. The composition of each delegation shall be communicated to the President before the beginning of each meeting.

3. The proceedings of the Council shall be valid only if at least half the members of the Council of the European Union, one member of the Commission and two-thirds of the members representing the Governments of the ACP States are present.

4. Any member of the Council unable to attend may be represented. In this case he shall inform the President and shall indicate the person or delegation authorized to represent him. The representative shall exercise all the rights of the member unable to attend.

5. A representative of the European Investment Bank, hereafter referred to as the 'Bank' shall be present at meetings of the Council when matters from the areas which concern the Bank are on the agenda.

Article 5

1. Representatives of signatory States to the Convention, which on the date of entry into force of the Convention have not yet completed the procedures referred to in Article 359 thereof, may participate in Council meetings.

2. They may in this case be authorized to take part in Council debates.

3. These Rules of Procedure, and in particular Article 4 (1), (2) and (4) thereof, shall also apply to such representatives.

Article 6

1. Unless otherwise decided, meetings of the Council shall not be public. Entry to meetings of the Council shall be subject to the showing of a pass.

2. Without prejudice to such other provisions as may apply, the deliberations of the Council shall be covered by the obligation of professional secrecy unless the Council should decide otherwise.

Article 7

The Council may be required to reach a decision on an urgent matter by correspondence in cases where agreement is given to the use of this procedure. Agreement may be obtained either during a meeting of the Council or in the Committee or in accordance with the conditions laid down by it.

At the same time as this procedure is decided upon, a time limit may be fixed within which replies shall be given. On the expiry of this time limit, the President of the Council shall decide, on the basis of a report from the two Secretaries of the Council, whether, in view of the replies received, joint agreement may be considered to have been reached.

Where the procedure provided for in this Article is used, the Council shall take its decision in accordance with Article 338 of the Convention.

Article 8

The Presidents of the two parties, assisted by advisers, may hold regular consultations and exchanges of views between meetings of the Council.

Article 9

All communications provided for in the 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 General Secretariat of the Commission.

Such communications shall also be sent to the President of the European Investment Bank when they concern the Bank.

Article 10

Minutes shall be kept of each meeting mentioning in particular the decisions taken by the Council.

After their approval by the Council, the minutes shall be signed by the President-in-Office and by the two Secretaries of the Council and shall be kept in the archives of the Council. A copy of the minutes shall be forwarded to the recipients referred to in Article 9.

Article 11

Unless otherwise decided, the Council shall base its deliberations on documentation prepared in Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish and Swedish.

Any member of the Council may object to the discussion of a text proposed during a meeting if that text is not made available in one of the languages referred to in the first paragraph which he specifies.

Article 12

All decisions, resolutions, recommendations and opinions within the meaning of Article 342 of the Convention shall be divided into articles.

The acts referred to in the preceding paragraph shall end with the formula 'Done at . . . , . . .', the date to be inserted being that on which they are adopted by the Council.

Article 13

Decisions within the meaning of Article 342 (2) of the Convention shall be entitled 'Decision', followed by a serial number, date of adoption and a description of their subject.

Decisions shall specify the date on which they are to enter into force. They shall incorporate the following sentence: 'The ACP States, the Member States and the Community shall be required, each for its own part, to take the necessary steps to implement this Decision'.

Article 14

Resolutions, declarations, recommendations and opinions within the meaning of Article 342 (3) of the Convention shall be entitled 'Resolution', 'Declaration', 'Recommendation' or 'Opinion', followed by a serial number, date of adoption and a description of their subject.

Article 15

1. Acts adopted by the Council shall be signed by the President and shall be kept in the archives of the Council.
2. These acts shall be transmitted, through the two Secretaries of the Council, to the recipients referred to in Article 9.

Article 16

The office of President of the Council shall be held alternately as follows:

- from 1 April to 30 September by a member of the Government of an ACP State,
- from 1 October to 31 March by a member of the Council of the European Union.

Article 17

The Council may delegate to the Committee some of its powers pursuant to Article 345 of the Convention.

Article 18

1. The conditions under which the Committee meets shall be laid down in its Rules of Procedure.
2. The Committee shall be responsible for preparing the meetings of the Council and for carrying out any mandate which the Council may entrust to it.
3. The Convention, and in particular Article 338 thereof, as well as Article 7 and 12 to 15 of these Rules of Procedure, shall apply to acts adopted by the Committee pursuant to paragraph 2 of this Article.

Article 19

When the Council participates in the proceedings of the Joint Assembly in the context of the first paragraph of Article 350 of the Convention, it shall be represented by its President. Should the President be unable to attend, he shall designate the member who is to take his place.

Article 20

1. When a Contracting Party requests consultations pursuant to the third paragraph of Article 11 of the Convention, such consultations shall be held within the Council as soon as possible and as a general rule within 30 days of the request.

2. The body responsible may be the Council, the Committee or an *ad hoc* Working Party.

Article 21

1. When the ACP States request consultations pursuant to the second paragraph of Article 12 of the Convention, such consultations shall be held promptly, as a general rule within 15 days of the request.
2. The body responsible may be the Council, the Committee or an *ad hoc* Working Party.

Article 22

Regional economic groupings of the ACP States may be represented at meetings of the Council and Committee as observers subject to a prior decision of the Council in accordance with Annex VII to the Final Act of the Convention.

Article 23

1. When consultations are requested pursuant to Article 366a (2) of the Convention, they must begin no later than 15 days after the request and as a rule last no longer than 30 days.
2. For the purposes of such consultations:
 - the Community side shall be represented by its Presidency, assisted by the previous and next Member States to hold the Presidency, together with the Commission,
 - the ACP side shall be represented by the ACP State holding the co-Presidency, assisted by the previous and next ACP States to hold the co-Presidency. In addition to the ACP party concerned, two additional members of the Council chosen by that party shall also take part in the consultations.
3. By mutual agreement between the parties concerned, the consultations may be held at a level other than Council level.
4. By mutual agreement between the parties concerned, any person referred to in paragraph 2 may send a representative.

Article 24

The Secretariat of the Council and of the Committee shall be run jointly by two Secretaries.

These two Secretaries shall be appointed after joint consultation, one by the ACP States and the other by the Community.

Correspondence intended for the Council shall be sent to the President thereof at the seat of the Council Secretariat.

Done at Luxembourg, 24 April 1997.

The Secretaries shall perform their duties in complete independence with a view solely to the interests of the Convention and shall neither seek nor take instructions from any Government, organization or authority other than the Council and the Committee.

For the ACP-EC Council of Ministers

The President

RABUKA