

**INTERNAL AGREEMENT****between the Representatives of the Governments of the Member States, meeting within the Council, amending the Internal Agreement of 18 September 2000 on measures to be taken and procedures to be followed for the implementation of the ACP-EC Partnership Agreement**

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE EUROPEAN COMMUNITY,  
MEETING WITHIN THE COUNCIL,

HAVING REGARD to the Treaty establishing the European Community,

HAVING REGARD to the ACP-EC Partnership Agreement signed in Cotonou (Benin) on 23 June 2000, hereinafter referred to as 'the ACP-EC Agreement',

HAVING REGARD to the draft from the Commission,

WHEREAS:

- (1) By virtue of its Decision of 27 April 2004, the Council mandated the Commission to open negotiations with the ACP States with a view to amending the ACP-EC Agreement. These negotiations were concluded in Brussels on 23 February 2005. The Agreement amending the ACP-EC Agreement was signed in Luxembourg on 25 June 2005.
- (2) As a result, the Internal Agreement between the Representatives of the Governments of the Member States, meeting within the Council, of 18 September 2000 on measures to be taken and procedures to be followed for the implementation of the ACP-EC Partnership Agreement<sup>(1)</sup>, hereinafter referred to as 'the Internal Agreement', should be amended.
- (3) The procedure established by the Internal Agreement needs to be amended to take into account the changes made to Articles 96 and 97 as set out in the Agreement amending the ACP-EC Agreement. This procedure should also be amended to take into account the new Article 11b, whose paragraph (1) constitutes an essential element of the Agreement amending the ACP-EC Agreement,

HAVE AGREED AS FOLLOWS:

*Article 1*

The Internal Agreement between the Representatives of the Governments of the Member States, meeting within the Council, of 18 September 2000 on measures to be taken and procedures to be followed for the implementation of the ACP-EC Partnership Agreement shall be amended as follows:

1. Article 3 shall be replaced by the following:

*'Article 3*

The position of the Member States for the implementation of Articles 11b, 96 and 97 of the ACP-EC Agreement shall, when that position concerns matters within their competence, be adopted by the Council, acting in accordance with the procedure set out in the Annex.

If the planned measures concern matters falling within the competence of the Member States, the Council may also act on the initiative of a Member State.'

2. Article 9 shall be replaced by the following:

*'Article 9*

This Agreement, drawn up in a single original in the Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Slovak, Slovenian, Spanish and Swedish languages, all 20 texts being equally authentic, shall be deposited in the archives of the General Secretariat of the Council, which shall transmit a certified copy to each of the governments of the Signatory States.'

<sup>(1)</sup> OJ L 317, 15.12.2000, p. 376.

3. The Annex shall be replaced by the following:

'ANNEX

1. The Community and its Member States shall exhaust all possible options for political dialogue with an ACP State under Article 8 of the ACP-EC Agreement, except in cases of special urgency, prior to commencement of the consultation process set out in Article 96 of the ACP-EC Agreement. Dialogue under Article 8 shall be systematic and formalised in accordance with the modalities laid down in Article 2 of Annex VII to the ACP-EC Agreement. Regarding the dialogue conducted at national, regional and subregional level, when the Joint Parliamentary Assembly is involved, it shall be represented by the co-presidents in office or a designated nominee.
2. Where, having exhausted all possible options for dialogue under Article 8 of the ACP-EC Agreement, and on the initiative of the Commission or a Member State, the Council considers that an ACP State has failed to fulfil an obligation concerning one of the essential elements referred to in Articles 9 or 11b of the ACP-EC Agreement, or in serious cases of corruption, the ACP State concerned shall be invited, unless there is special urgency, to hold consultations in accordance with Articles 11b, 96 or 97 of the ACP-EC Agreement.

The Council shall act by a qualified majority.

In the consultations, the Community shall be represented by the Presidency of the Council and the Commission and shall strive to ensure equality in the level of representation. The consultations shall focus on the measures to be taken by the party concerned and shall take place in accordance with the modalities set out in Annex VII of the ACP-EC Agreement.

3. If, on expiry of the deadlines set in Articles 11b, 96 or 97 of the ACP-EC Agreement for the consultations and despite all efforts, no solution has been found, or immediately in a case of urgency or refusal to hold consultations, the Council may, pursuant to those Articles, decide, on a proposal from the Commission, to take appropriate measures including partial suspension acting by a

qualified majority. The Council shall act unanimously in case of a full suspension of application of the ACP-EC Agreement in relation to the ACP State concerned.

These measures shall remain in force until such time as the Council has used the applicable procedure as set out in the first subparagraph to take a decision amending or revoking the measures adopted previously, or where applicable, for the period indicated in the Decision.

For that purpose the Council shall review the above mentioned measures regularly and at least every six months.

The President of the Council shall notify the ACP State concerned and the ACP-EC Council of Ministers of the measures thus adopted before they enter into force.

The Council's Decision shall be published in the *Official Journal of the European Union*. Where the measures are adopted immediately, notification thereof shall be addressed to the ACP State and to the ACP-EC Council of Ministers at the same time as an invitation to hold consultations.

4. The European Parliament shall be immediately and fully informed of any decision taken under points 2 and 3.'

#### Article 2

This Agreement shall be approved by each Member State in accordance with its own constitutional requirements. The government of each Member State shall notify the General Secretariat of the Council of the completion of the procedures required for the entry into force of this Agreement.

Provided that the provisions of the first paragraph have been complied with, this Agreement shall enter into force at the same time as the Agreement amending the ACP-EC Agreement <sup>(1)</sup>. It shall remain in force for the duration of that Agreement.

<sup>(1)</sup> The date of entry into force of this Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

Hecho en Luxemburgo, el diez de abril de dos mil seis.

V Lucemburku dne desátého dubna dva tisíce šest.

Udfærdiget i Luxembourg den tiende april to tusind og seks.

Geschehen zu Luxemburg am zehnten April zweitausendsechs.

Kahe tuhande kuuenda aasta aprillikuu kümnendal päeval Luxembourgis.

Έγινε στο Λουξεμβούργο, στις δέκα Απριλίου δύο χιλιάδες έξι.

Done at Luxembourg on the tenth day of April in the year two thousand and six.

Fait à Luxembourg, le dix avril deux mille six.

Fatto a Lussemburgo, addì dieci aprile duemilasei.

Luksemburgā, divtūkstoš sestā gada desmitajā aprīlī.

Priimta du tūkstančiai šeštų metų balandžio dešimtą dieną Liuksemburge.

Kelt Luxembourgban, a kettőezer hatodik év április tizedik napján.

Magħmul fil-Lussemburgu, fl-ghaxar jum ta' April tas-sena elfejn u sitta.

Gedaan te Luxemburg, de tiende april tweeduizend zes.

Sporządzono w Luksemburgu dnia dziesiątego kwietnia roku dwa tysiące szóstego.

Feito no Luxemburgo, em dez de Abril de dois mil e seis.

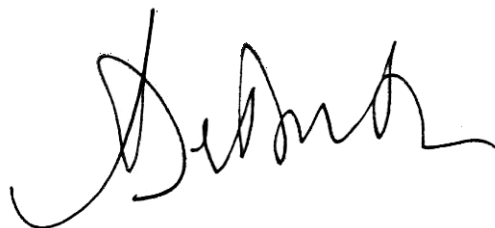
V Luxemburgu dňa desiateho apríla dvetisícšest.

V Luxembourggu, desetega aprila leta dva tisoč šest.

Tehty Luxemburgissa kymmenentenä päivänä huhtikuuta vuonna kaksituhattakuusi.

Som skedde i Luxemburg den tionde april tjugohundrasex.

Pour le Royaume de Belgique  
Voor het Koninkrijk België  
Für das Königreich Belgien



Cette signature engage également la Communauté française, la Communauté flamande, la Communauté germanophone, la Région wallonne, la Région flamande et la Région de Bruxelles-Capitale.

Deze handtekening verbindt eveneens de Vlaamse Gemeenschap, de Franse Gemeenschap, de Duitstalige Gemeenschap, het Vlaamse Gewest, het Waalse Gewest en het Brussels Hoofdstedelijk Gewest.

Diese Unterschrift bindet zugleich die Deutschsprachige Gemeinschaft, die Flämische Gemeinschaft, die Französische Gemeinschaft, die Wallonische Region, die Flämische Region und die Region Brüssel-Hauptstadt.

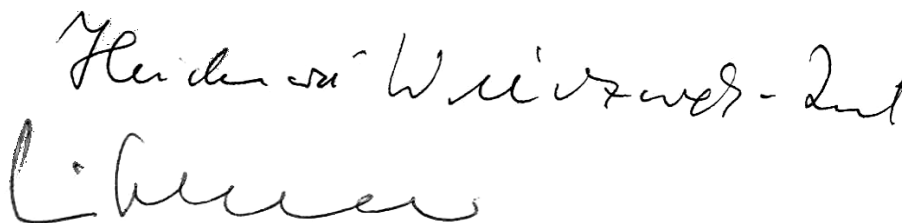
Za Českou republiku



På Kongeriget Danmarks vegne



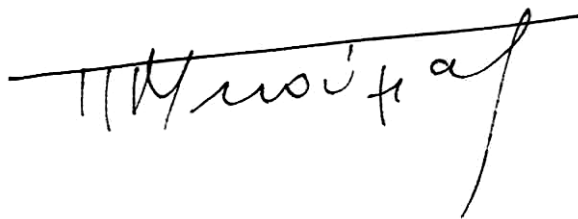
Für die Bundesrepublik Deutschland



Eesti Vabariigi nimel



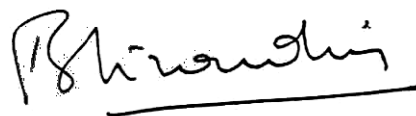
Για την Ελληνική Δημοκρατία

A handwritten signature in black ink, appearing to be 'Παυλίνα', written over a horizontal line.

Por el Reino de España

A handwritten signature in black ink, appearing to be 'A. P. eireaga', written over a horizontal line.

Pour la République française

A handwritten signature in black ink, appearing to be 'B. L. eireaga', written over a horizontal line.

Thar cheann Na hÉireann


For Ireland

A handwritten signature in black ink, appearing to be 'Bobby McDonagh', written over a horizontal line.

Per la Repubblica italiana

A handwritten signature in black ink, appearing to be 'Piero Comptoni', written over a horizontal line.

Για την Κυπριακή Δημοκρατία

A handwritten signature in black ink, appearing to read 'Costas Kuthanoglou', written in a cursive style.

Latvijas Republikas vārdā

A handwritten signature in black ink, consisting of a large, stylized initial 'M' followed by a few more strokes.

Lietuvos Respublikos vardu

A handwritten signature in black ink, appearing to read 'O. Gump', written in a cursive style.

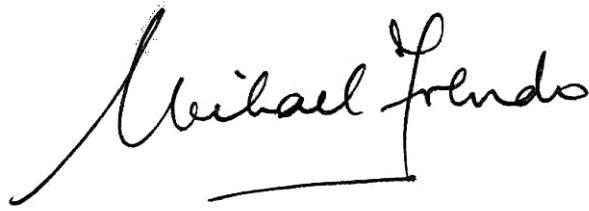
Pour le Grand-Duché de Luxembourg

A handwritten signature in black ink, consisting of a large, stylized initial 'P' followed by a few more strokes.

A Magyar Köztársaság részéről

A handwritten signature in black ink, appearing to read 'G. J. M.', written in a cursive style.

Għar-Repubblika ta' Malta

Handwritten signature of Michael Fenech in black ink.

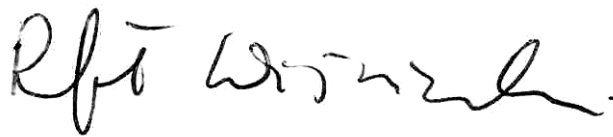
Voor het Koninkrijk der Nederlanden

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Für die Republik Österreich

Handwritten signature in black ink, consisting of a stylized initial followed by a wavy line.

W imieniu Rzeczypospolitej Polskiej

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Pela República Portuguesa

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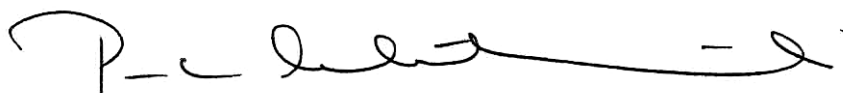
Za Republiko Slovenijo



Za Slovenskú republiku



Suomen tasavallan puolesta  
För Republiken Finland



För Konungariket Sverige



For the United Kingdom of Great Britain and Northern Ireland



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