



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 10.4.2002
COM(2002)174 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 extend the decision N°1/2000 of the ACP-EC Council of Ministers of 27 July 2000 regarding transitional measures valid from 2 August 2000 until the entry into force of the ACP-EC Partnership Agreement

(presented by the Commission)

EXPLANATORY MEMORANDUM

The new ACP-EC Partnership Agreement was signed in Cotonou on 23 June 2000 and subsequently has been submitted for ratification. Article 366(3) of the revised Lomé Convention stipulates that the ACP-EC Council of Ministers must adopt any transitional measures that might be required until the new provisions enter into force.

Provision was made to cover the period beginning with the expiry of the revised fourth ACP-EC Convention on 29 February 2000 (decision by the ACP-EC Committee of Ambassadors of 28 February). The decision was valid until 1 August 2000. During this period, the application of most of the provisions of the revised Lomé Convention was extended.

For the period between 2 August 2000 and the entry into force of the new Agreement, the ACP-EC Council of Ministers has taken decision N°1/2000 of 27 July 2000 regarding transitional measures and putting most of the provisions of the new Agreement into early application.

Article 7 of the Decision N°1/2000 provides that the decision cannot be applied beyond 1 June 2002. However it also provides that the ACP-EC Council of Ministers may decide to extend its application. Such a decision is necessary, considering that the entry into force of the Agreement cannot take place before June 2002, due to delays in the ratification process.

In accordance with the procedure described in the second subparagraph of Article 300(2) of the Treaty establishing the European Community, the Council of the European Union is responsible for determining the Community's position on the transitional measures to be adopted to cover the period in question. The Commission considers that the Council should adopt the attached draft proposal for a joint ACP-EU Council decision for extending the transitional measures from the period of 2 June 2002 until the entry into force of the Agreement.

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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) Article 30 of the fourth ACP-EC Convention, as amended by the agreement signed in Mauritius on 4 November 1995 (hereinafter referred to as 'the Convention'), establishes a Council of Ministers with decision-making powers determined by the Convention.
- (2) In accordance with Article 366(3) of the Convention, the Council of Ministers must adopt any transitional measures that might be required until a new Convention enters into force.
- (3) By decision of 27 July 2000, the ACP-EC Council of Ministers adopted transitional measures valid from 2 August 2000 until the entry into force of the ACP-EC Partnership Agreement, limited however till 1 June 2002. Considering the state of progress of the ratification process, an extension of the Decision is needed.
- (4) The Community's position within the Council of Ministers regarding the latter's adoption of a decision regarding extension of the transitional measures on the expiry of the transitional measures currently in force should be determined,

HAS DECIDED AS FOLLOWS:

Article 1

The Community's position within the Council of Ministers regarding the extension of the transitional measures to cover the period between 2 June 2002 and the entry into force of the ACP-EC Partnership Agreement shall be based on the draft Decision annexed hereto.

Done at Brussels,

*For the Council
The President*

ANNEX

Draft of a

DECISION OF THE ACP-EC COUNCIL OF MINISTERS

**extending Decision N°1/2000 of 27 July 2000 regarding transitional measures valid from
2 August 2000
until the entry into force of the ACP-EC Partnership Agreement**

THE ACP-EC COUNCIL OF MINISTERS,

Having regard to the fourth ACP-EC Convention, signed in Lomé on 15 December 1989 and revised in Port Louis on 4 November 1995, hereinafter referred to as ‘the Convention’, and in particular Article 366(3) thereof,

Whereas:

- (1) The new ACP-EC Partnership Agreement, hereinafter referred to as ‘the Agreement’, was signed in Cotonou on 23 June 2000. The Agreement will not enter into force until requirements set out in Article 93 (3) have been fulfilled.
- (2) The ACP-EC Council of Ministers took a decision on 27 July 2000 whereby transitional measures applicable from 2 August 2000 until the entry into force of the ACP-EC Partnership Agreement were adopted.
- (3) In accordance with Article 7 of the Decision N°1/2000, the decision shall apply until the Agreement enters into force but no longer than 1 June 2002. Given that the Agreement will not have entered into force by that date, the Council of Ministers should decide to extend the application of Decision 1/2000 for a limited period of time.

HAS ADOPTED THIS DECISION:

Article 1

Decision N°1/2000 is amended as follows:

1. Article 7, shall be replaced by the following:

“This Decision shall enter into force on 2 August 2000. It shall apply until the Agreement enters into force but no longer than 31 July 2003. The Council of Ministers may decide to extend its application”.

Article 2

This Decision shall enter into force on the day of its adoption.

Done at

*For the ACP-EC Council of Ministers
The President*