

THE THIRD ACP-EEC CONVENTION OF LOME
(signed on 8 december 1984)

**Rules of Procedure of the
COUNCIL OF MINISTERS**

**Rules of Procedure of the
COMMITTEE OF AMBASSADORS**

THE THIRD ACP-EEC CONVENTION OF LOME

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RULES OF PROCEDURE OF THE COUNCIL OF MINISTERS

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 268(1) of 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 Communities are usually held or at the seat of the ACP General Secretariat 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 thirty 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 thirty 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", twenty-one 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 co-operation, if need be after preparatory work in accordance with Article 269(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 (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. 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 accredited member.
4. A representative of the European Investment 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 285 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) to (3) 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 Chairman of the Committee 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 265 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 these Rules of Procedure shall be transmitted through the Secretariat of the Council to the Representatives of the ACP States, the ACP General Secretariat, the Permanent Representatives of the Member States, the General Secretariat of the Council of the European Communities 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 Committee, 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, French, German, Greek and Italian.

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 the one of these seven languages which he specifies.

Article 12

All decisions, resolutions, recommendations and opinions within the meaning of Article 269 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 269(2) of the Convention shall be entitled "Decision", followed by a serial number 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 269(3) of the Convention shall be entitled "Resolution", "Declaration", "Recommendation" or "Opinion", followed by a serial number 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 Communities.

Article 17

The Council may delegate to the Committee any of the powers which it exercises pursuant to Article 278 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 265 thereof, as well as Articles 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 276 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. With a view to the consultations provided for in the third paragraph of Article 9 of the Convention, the ACP States and the Community shall inform each other of the measures which they intend to take in the cases provided for in the Convention.

2. The Contracting Parties may request consultation at any time from the date of notification. This shall take place as soon as possible and not later than twenty-one days from the date of request.
3. Should consultation give rise to a divergent assessment of the extent of the measures proposed or taken in an urgent case, the Contracting Party concerned shall reconsider those measures.
4. Consultations shall take place according to the form which is the most appropriate for the matter involved.
5. The competent body may be the Council, the Committee or an ad hoc group.

Article 21

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

Article 22

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.

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.

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

Udfærdiget i Luxembourg, den
Geschehen zu Luxemburg am
Εγινε στο Λουξεμβούργο, στις
Done at Luxembourg,
Fait à Luxembourg, le
Fatto a Lussemburgo, addì
Gedaan te Luxemburg,

21. VI. 1985

På AVS-EØF-Ministerrådets vegne
Im Namen des AKP-EWG-Ministerrates
Γιό τό Συμβούλιο τών Υπουργών ΑΚΕ-ΕΟΚ
For the ACP-EEC Council of Ministers
Par le Conseil des Ministres ACP-CEE
Per il Consiglio dei Ministri ACP-CEE
Voor het ACS-EEG-Raad van Ministers

Formand
Der Präsident
Ο Πρόεδρος
The President
Le Président
Il Presidente
De Voorzitter

(s.) P. NZE

RULES OF PROCEDURE OF THE COMMITTEE OF AMBASSADORS

Article 1

The Committee of Ambassadors, hereinafter called the "Committee" shall meet on a date to be fixed by it by joint agreement between the ACP States and the Community.

The Committee may, in urgent cases, meet on another date at the request either of the ACP States or of the Community. The Chairman shall decide on the new date after consulting the other members of the Committee.

Article 2

The Committee shall meet at the places where the meetings of the Council of the European Communities are usually held or at the seat of the ACP General Secretariat. However, it may, by special decision, meet in the territory of an ACP State.

Article 3

1. The provisional agenda for each meeting shall be drawn up by the Chairman. It shall be communicated to the other members of the Committee at least eight days before the date of the meeting.

The provisional agenda shall consist of those items in respect of which a request for inclusion has reached the Chairman ten days before the date 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 of Ministers in time to be forwarded to the members of the Committee eight days before the date of the meeting.

2. 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 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. When the Committee meets in the circumstances referred to in the second paragraph of Article 1, the time-limits laid down in paragraph 1 of this Article may be shortened.

Article 4

1. The members of the Committee may be accompanied by advisers.

They may be represented by persons appointed by them.

2. A representative of the European Investment Bank shall attend meetings of the Committee 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 285 thereof, may participate in Committee meetings.
2. They may in this case be authorized to take part in Committee debates.
3. These Rules of Procedure, and in particular Article 4(1), shall also apply to such representatives.

Article 6

1. Unless otherwise decided, meetings of the Committee shall not be public.
2. 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 should decide otherwise.

Article 7

All communications provided for in these Rules of Procedure shall be transmitted through the Secretariat of the Council of Ministers to the representatives of the ACP States, to the ACP General Secretariat, to the Permanent Representatives of the Member States, to the General Secretariat of the Council of the European Communities and to 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 8

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

After their approval by the Committee, the minutes shall be signed by the Chairman of the Committee and by the Secretaries of the Council of Ministers and shall be kept in the archives of the Council of Ministers. A copy of the minutes shall be forwarded to the recipients referred to in Article 7.

Article 9

The office of Chairman of the Committee shall be held alternately for periods of six months, by the ACP States and by the Community, under the conditions laid down in Article 273(1) of the Convention.

Article 10

Correspondence intended for the Committee shall be sent to the Chairman thereof at the seat of the General Secretariat of the Council of Ministers.

Article 11

1. Unless otherwise decided, the Committee shall base its deliberations on documentation prepared in Danish, Dutch, English, French, German, Greek and Italian.

2. Any member of the Committee may object to the discussion of a text proposed during a meeting if that text is not made available in the one of these seven languages which he specifies.

Article 12

The proceedings of the Committee shall be valid only if at least half of the Permanent Representatives of the Member States of the Community, one Commission representative and half of the Members of the Committee of ACP Ambassadors are present.

Article 13

The Convention, and in particular Article 265 thereof, as well as Articles 12 to 15 of the Rules of Procedure of the Council of Ministers shall apply to acts adopted by the Committee.

Article 14

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

Article 15

The Committee shall be assisted by the following subcommittees, in addition to the Agricultural Commodities Committee provided for in Article 47 of the Convention, the Committee on Industrial Co-operation provided for in Article 70 of the Convention, the Customs Co-operation Committee provided for in Article 28 of Protocol No 1 to the Convention and the Permanent Joint Group on Bananas provided for in Protocol No 4 to the Convention:

- (i) Subcommittee for Co-operation on Agricultural and Rural Development;
- (ii) Subcommittee on Trade Co-operation;
- (iii) Subcommittee on the Stabilization of Export Earnings;
- (iv) Subcommittee on Sugar;
- (v) Subcommittee on Financial and Technical Co-operation;
- (vi) Subcommittee for the special problems of the least-developed, landlocked and island countries.

The Committee may, if necessary, set up other subcommittees.

Article 16

Each Committee or Subcommittee and the Group referred to in Article 15 shall be composed of at least five ACP Ambassadors or their representatives and, as regards the Community, of at least one Permanent Representative of the Member States of the Community and/or a representative of the Commission.

A representative of the European Investment Bank shall be present at meetings of those Committees or Subcommittees and the Group when matters which concern the Bank appear on the agenda.

Article 17

Without prejudice to Article 16, any member of the Committee or his representative may participate in any meetings of the Committees or Subcommittees and the Group referred to in Article 15.

Article 18

1. Each Committee or Subcommittee and the Group referred to in Article 15 shall be presided over jointly by an Ambassador, on the ACP side and, on the Community side, by a Permanent Representative. A Director-General or Deputy Director-General of the Commission may be Chairman on the Community side when he is personally designated by the Community to represent it.

2. Without prejudice to paragraph 1, each co-Chairman may, in exceptional circumstances and by mutual agreement, be represented by any person whom he may designate.

Article 19

Each Committee or Subcommittee and the Group referred to in Article 15 shall meet at the request of either of the parties and after consultation between the Chairmen following a period of notice which, except in urgent cases, shall be seven days.

Article 20

The Committees or Subcommittees and the Group referred to in Article 15 shall submit reports on their work to the Committee.

Article 21

Members of the Committees or Subcommittees and the Group referred to in Article 15 may be assisted by experts.

Article 22

With the approval of the Committee, the Customs Co-operation Committee, the Committee on Industrial Co-operation, the Permanent Joint Group on bananas, and the Subcommittee for Co-operation on Agricultural and Rural Development may draw up their own rules of procedure.

Article 23

Secretarial and other work required for the functioning of the Committee and of the Committees or Subcommittees and the Group referred to in Article 15 (preparation of agendas and circulation of documents relating thereto, etc.) shall be carried out by the Secretariat of the Council of Ministers.

Article 24

The Secretariat shall, as soon as possible after each meeting of the Committees or Subcommittees and the Group referred to in Article 15, draw up the record of the meeting.

This record shall be transmitted by the Secretariat of the Council of Ministers to the Representatives of the ACP States, the ACP General Secretariat, the Permanent Representatives of the Member States, the General Secretariat of the Council of the European Communities and the General Secretariat of the Commission.

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På AVS-EØF-Ministerrådets vegne
Im Namen des AKP-EWG-Ministerrates
Τὸ τὸ Συμβούλιο τῶν Ὑπουργῶν ΑΚΕ-ΕΟΚ
For the ACP-EEC Council of Ministers
Par le Conseil des Ministres ACP-CEE
Per il Consiglio dei Ministri ACP-CEE
Voor het ACS-EEG-Raad van Ministers

Formand
Der Präsident
Ὁ Πρόεδρος
The President
Le Président
Il Presidente
De Voorzitter

(s.) P. NZE