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### **LEGISLATIVE ACTS AND OTHER INSTRUMENTS**

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Subject: Draft DECISION OF THE EPA COMMITTEE ESTABLISHED UNDER THE STEPPING STONE ECONOMIC PARTNERSHIP AGREEMENT BETWEEN GHANA, OF THE ONE PART, AND THE EUROPEAN COMMUNITY AND ITS MEMBER STATES, OF THE OTHER PART, regarding the adoption of the Rules of Procedure of the EPA Committee

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DRAFT

**DECISION No .../2020**  
**OF THE EPA COMMITTEE ESTABLISHED UNDER**  
**THE STEPPING STONE ECONOMIC PARTNERSHIP AGREEMENT**  
**BETWEEN GHANA, OF THE ONE PART,**  
**AND THE EUROPEAN COMMUNITY**  
**AND ITS MEMBER STATES, OF THE OTHER PART,**

**of ...**

**regarding the adoption of the Rules of Procedure of the EPA Committee**

THE EPA COMMITTEE,

Having regard to the stepping stone Economic Partnership Agreement between Ghana, of the one part, and the European Community and its Member States, of the other part<sup>1</sup> (hereinafter referred to as 'the Agreement'), signed in Brussels on 28 July 2016, and in particular Article 73 thereof,

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<sup>1</sup> OJ EU L 287, 21.10.2016, p. 3.

Whereas the Agreement provides that the EPA Committee is to determine its organisation and functioning rules,

HAS ADOPTED THIS DECISION:

*Article 1*

The Rules of Procedure of the EPA Committee are adopted as set out in the Annex.

*Article 2*

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

Done at...,

*For the EPA Committee*  
*The co-chairs*

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## ANNEX

RULES OF PROCEDURE OF THE EPA COMMITTEE  
ESTABLISHED PURSUANT TO ARTICLE 73 OF THE STEPPING STONE  
ECONOMIC PARTNERSHIP AGREEMENT BETWEEN GHANA, OF THE ONE PART,  
AND THE EUROPEAN COMMUNITY  
AND ITS MEMBER STATES, OF THE OTHER PART

### *Article 1*

#### *Role and Name of the EPA Committee*

1. The Committee established pursuant to Article 73(1) of the stepping stone Economic Partnership Agreement between Ghana, of the one part, and the European Community and its Member States, of the other part, (hereafter referred to as the 'Agreement') is responsible for all matters referred to in Article 73(3) of the Agreement.
2. The Committee referred to in paragraph 1 shall be referred to in documents of the Committee, including decisions and recommendations, as the 'EPA Committee'.

*Article 2*  
*Composition and Chair*

1. The EPA Committee is composed on the one hand, of representatives of the European Union and its Member States, and on the other hand, of representatives of Ghana at ministerial level or senior official level, or their designated representatives.
2. Representation of the Parties shall normally be at senior official level or, exceptionally, at ministerial level whenever both Parties agree that the circumstances so require.
3. The EPA Committee at ministerial level shall be co-chaired by representatives of the EU Party, having regard to the respective areas of competence of the European Union and its Member States, and by the Minister for Trade and Industry of Ghana.
4. The EPA Committee at senior official level shall be co-chaired by a senior official as a representative of the European Commission and by a senior official as a representative of Ghana.
5. Each Party shall notify to the other Party the name, position and contact details of the senior official who is in charge of co-chairing the EPA Committee meeting for that Party. That senior official is deemed to have the authorisation of representing the Party until the date the Party has notified to the other Party a new Co-chair.

*Article 3*  
*Secretariat*

1. The General Secretariat of the Council of the European Union and the European Commission on the one hand, and officials from the department responsible for Trade for Ghana, on the other hand, shall act together as Secretariat of the EPA Committee.
2. On the part of the EU Party, provisional agendas and draft minutes shall be drawn up by the European Commission and all official documents intended for, or emanating from, the EPA Committee at ministerial level shall be circulated by the General Secretariat of the Council of the European Union.
3. In accordance with Article 73(4) of the Agreement, each Party shall notify to the other Party the name, position and contact details of the official who is the focal point (Secretary) of the EPA Committee for that Party. That official is deemed to continue acting as Secretary for the Party until the date the Party has notified to the other Party a new official as Secretary.

*Article 4*  
*Meetings*

1. The EPA Committee shall meet once a year, unless the Co-chairs decide otherwise, or in urgent cases at the request of either Party.

2. The meetings shall be held at an agreed date and time alternately in Brussels and in Accra, unless agreed otherwise by the Co-chairs.
3. The meetings shall be convened by the Co-chair of the Party hosting the meeting.
4. A meeting may be held in person or by videoconference or by any other means.

*Article 5*  
*Delegations*

Within a reasonable period of time in advance of a meeting, the official acting as Secretary of the EPA Committee for each Party shall inform the official acting as Secretary of the other Party of the intended composition of the delegations of the EU Party and of Ghana respectively. The lists shall specify the name and function of each member of the delegation.

*Article 6*  
*Agenda for the meetings*

1. At least 14 days in advance of a meeting, a provisional agenda for each meeting shall be drawn up by the Secretary of the EPA Committee on the basis of a proposal made by the Party hosting the meeting with a deadline for the other Party to provide comments.

2. The agenda shall be adopted by the EPA Committee at the beginning of each meeting. Items not appearing on the provisional agenda may be placed on the agenda by consensus.

#### *Article 7*

##### *Invitation of experts*

The Co-chairs of the EPA Committee may, by mutual agreement, invite experts (that is, non-government officials) to attend the meetings of the EPA Committee in order to provide information on specific subjects and only for the parts of the meeting where such specific subjects are discussed.

#### *Article 8*

##### *Minutes*

1. Draft minutes of each meeting shall be drawn up by the official acting as member of the Secretariat of the Party hosting the meeting within 21 days from the end of the meeting, unless otherwise decided by the Co-chairs. The draft minutes shall be transmitted for comments to the member of the Secretariat of the other Party. Where these Rules of Procedure apply to the meetings of sub-committees, the minutes of the sub-committee's meeting shall be made available for any subsequent meeting of the EPA Committee.

2. The minutes shall, as a general rule, summarise each item on the agenda, specifying where applicable:
  - (a) all documents submitted to the EPA Committee;
  - (b) any statement that one of the Co-chairs of the EPA Committee requested to be entered in the minutes; and
  - (c) the decisions taken, recommendations made, statements agreed upon and conclusions adopted on specific items.
3. The minutes shall include a list of all decisions of the EPA Committee taken by written procedure pursuant to Article 9(2) since the last meeting of the EPA Committee.
4. The minutes shall also include a list of the names, titles and capacity of all individuals who attended the meeting of the EPA Committee.
5. The Secretary shall adjust the draft minutes on the basis of comments received and the draft minutes, as revised, shall be approved by the Parties within 60 days of the date of the meeting, or by any other date agreed by the Co-chairs. Once approved, two originals of the minutes shall be drawn up by the Secretariat and the Parties shall each receive one original of the minutes.

*Article 9*

*Decisions and recommendations*

1. The EPA Committee may adopt decisions and recommendations in respect of all matters where the Agreement so provides. The EPA Committee shall adopt decisions and recommendations by consensus.
  
2. In the period between meetings, the EPA Committee may adopt decisions or recommendations by written procedure. For that purpose, the text of a draft decision or recommendation shall be presented in writing by a Co-chair to the other Co-chair. The other Party shall have one month, or any longer period of time specified by the proposing Party, to express its agreement to the draft decision or recommendation. If the other Party does not express its agreement, the proposed decision or recommendation shall be discussed and may be adopted at the next meeting of the EPA Committee. The decisions or recommendations shall be deemed to be adopted once the other Party expresses its agreement and shall be recorded in the minutes of the next meeting of the EPA Committee pursuant to Article 8(3).

3. Where the EPA Committee is empowered under the Agreement to adopt decisions or recommendations, such acts shall be entitled 'Decision' or 'Recommendation', respectively. The Secretariat of the EPA Committee shall give any decision or recommendation a progressive serial number, the date of adoption and a description of their subject-matter. Each decision and recommendation shall provide for the date of its entry into force.
4. The decisions and recommendations adopted by the EPA Committee shall be drawn up in duplicate, authenticated by the Co-chairs and transmitted to each Party.

*Article 10*  
*Transparency*

1. The EPA Committee may decide to meet in public.
2. In accordance with Article 73(5) of the Agreement the Co-chairs may, by mutual agreement, invite to the meetings of the EPA Committee representatives of civil society to attend as observers as well as other third parties, like the West African Economic and Monetary Union and the Commission of Economic Community of West African States.
3. Each Party may decide on the publication of the decisions and recommendations of the EPA Committee in its respective official publication or online.

4. All documents submitted by a Party shall be considered as confidential, unless that Party decides otherwise.
5. Provisional agendas of the meetings shall be made public before the meeting of the Committee takes place. The minutes of the meetings shall be made public following their approval in accordance with Article 8.
6. The publication of documents referred to in paragraphs 3 to 5 shall be made in compliance with each Party's applicable data protection rules.

### *Article 11*

#### *Languages*

1. The working language of the EPA Committee shall be English.
2. The EPA Committee shall adopt decisions concerning the amendment or interpretation of the Agreement in the languages of the authentic texts of the Agreement. All other decisions of the EPA Committee shall be adopted in English.
3. These Rules of Procedure and any decisions adopted by the EPA Committee, with the exception of decisions of the EPA Committee to amend or interpret the Agreement, are authentic in the working languages of that Committee. Decisions of the EPA Committee that amend or interpret the Agreement are authentic in all languages in which the Agreement is authentic.

4. Each Party shall be responsible for the translation of decisions and other documents into its own official language(s), if required pursuant to this Article, and it shall meet the expenditure associated with such translations.

*Article 12*

*Expenses*

1. Each Party shall meet any expenses it incurs as a result of participating in the meetings of the EPA Committee, both with regard to staff, travel and subsistence expenditure and with regard to video or teleconferences, postal and telecommunications expenditure.
2. Expenditure in connection with the organisation of meetings and reproduction of documents shall be borne by the Party hosting the meeting.
3. Expenditure in connection with the provision of interpretation services to and from the working language of the EPA Committee during meetings shall be borne by the Party hosting the meeting.

*Article 13*

*Special Committee for customs and trade facilitation*

1. A Special Committee for customs and trade facilitation (the 'Special Committee') shall be established in accordance with Article 34 of the Agreement for the purposes specified in that Article.
2. In accordance with Article 34 of the Agreement, the Special Committee shall report to the EPA Committee on results, decisions and conclusions from each of its meetings. The EPA Committee shall be informed in writing of the contact points designated by the Special Committee. All relevant correspondence, documents and communications of the Special Committee regarding the implementation and the application of Chapter 3 (Customs and trade facilitation) of the Agreement shall be forwarded to the Secretariat of the EPA Committee simultaneously.
3. These Rules of Procedure shall apply *mutatis mutandis* to the Special Committee.

*Article 14*

*Working groups*

For the effective performance of the functions provided for in Article 73(3) of the Agreement and in accordance with Article 73(2) of the Agreement, the EPA Committee may decide to create under its authority working groups to facilitate technical discussion on specific subjects under the Agreement. The EPA Committee shall determine the composition and tasks of such working groups. The working groups shall report to the EPA Committee.

*Article 15*

*Amendments of the Rules of Procedure*

These Rules of Procedure may be amended in writing by a decision of the EPA Committee in accordance with Article 9.

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