

ACP-EC COTONOU AGREEMENT

**AFRICAN, CARIBBEAN AND
PACIFIC GROUP OF STATES**

**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 1 April 2005

ACP/22/002/05

ACP-CE 2124/04

OUTCOME OF PROCEEDINGS

of the: 54th meeting of the ACP-EC Committee of Ambassadors
on : 2 April 2004
at : Justus Lipsius, 175 rue de la Loi, 1048 Brussels

The 54th meeting of the ACP-EC Committee of Ambassadors took place on 2 April 2004, under the Presidency of H.E. Mr Jacques OBIA, Ambassador of the Republic of Congo and Chairman of the ACP Committee of Ambassadors.

The EU Co-Chair was H. E. Ms Anne ANDERSON, Ambassador and President of Coreper.

The Commission was represented by Mr. J. RICHELLE, Director General (DG Development) and by Director K. FALKENBERG (DG Trade).

1. Adoption of the provisional Agenda

[ACP-CE 2102/04 - ACP/22/002/04]

The Committee adopted the provisional Agenda.

2. Adoption of A points

The Committee adopted the following documents.

- draft Outcome of Proceedings of the 53rd meeting of the ACP-EC Committee of Ambassadors held on 11 April 2003
[ACP-CE 2149/03 - ACP/22/004/03]

- Proposed amendments to the Rules of Procedure of the joint bodies of the ACP-EC Partnership Agreement to take account of enlargement of the European Union
[ACP-CE 2106/04]

3. Preparation of the 28th session of the ACP-EC Council of Ministers, Gaborone, Botswana, 6 and 7 May 2004

A. Negotiation of Economic Partnership Agreements:

The Committee took note of the report on the state of play on the EPA negotiations presented by the Commission. It agreed to inscribe this item on the Agenda of the Joint Council, where the ACP regions will be invited to intervene.

The ACP side expressed the view that it would be premature, given the limited progress so far in the negotiations at regional level, to assess in 2004 the situation of non-LDC ACP countries that would not be in a position to negotiate an EPA (Article 37.6 of the Cotonou Agreement). The ACP requested a postponement of this assessment until 2006. The Committee agreed to bring this question before the Council in Gaborone for decision.

B. Trade Cooperation

Follow-up to the meeting of the ACP-EC Subcommittee on Trade cooperation

The Committee took note of an oral report presented by H.E. Isabelle Ms BASSONG, Ambassador of Cameroon, ACP Chair of the ACP-EC Subcommittee on Trade Cooperation, which met on 29 March 2004¹ and the comments made by the Commission. The ACP announced that it would be making declarations at the ACP-EC Council of Ministers on some commodities. The Ambassador of Benin announced that a statement on cotton would be made.

At the request of the ACP side, the Committee agreed to bring to the attention of Ministers the following issues:

- . the cadmium content in swordfish and the wider issue of the content of mercury and other heavy metals in fisheries products,
- . the tuna fish import quota for ACP countries with derogation from the rules of origin.

C. Development Finance Cooperation

Report on the activities of the ACP-EC Development Finance Cooperation Committee

The Committee took note of an oral report presented by Ms Lorraine CHRISTIAN, Chair of the ACP-EC Development Finance Cooperation Committee, on the work of this committee.

The Commission intervened to recall the importance of the adoption by the Joint Council of the Decision on the ACP-EU Water Facility and the need to reach an agreement soon on the use of the reserve of the long-term envelope of the 9th EDF, as well as on the revision of the terms and conditions of financing for short-term fluctuations in export earnings (FLEX).

¹ See doc. ACP-CE 2110/04 - ACP/61/024/04.

The Committee was informed that the ACP-EC Development Finance Cooperation Committee will meet at authorised representatives' level on 19 April 2004 and at Ministerial level in the morning of 6 May 2004 to report to the ACP-EC Council of Ministers.

**D. Revision of certain provisions of the ACP-EC Partnership Agreement
(Article 95 of the Cotonou Agreement)**

The Committee recalled that each party has notified the provisions that it wishes to review pursuant to Article 95 of the Cotonou Agreement. The Committee agreed that the ACP-EC Council of Ministers in Gaborone will formally launch the negotiations and that the Council will agree on a structure and timetable for the negotiations, which should be completed by the end of February 2005.

E. State of Preparation of Draft Joint Documents

The Committee welcomed the work undertaken to draft the following joint papers:

- Joint ACP-EC Statement on UNCTAD XI (Sao Paulo, Brazil : 14-18 June 2004)
- Joint ACP-EC Declaration on Combating Drought and Desertification
- Joint ACP-EC Paper on Climate Change and Development
- (Poss.) Gaborone Amendment to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

At the request of the ACP side, the Joint ACP-EC Paper on Climate Change and Development was withdrawn from the agenda of the ACP-EC Council of Ministers.

The Committee agreed to give a mandate to its Co-Presidents to finalise the texts, with a view to their possible adoption by the ACP-EC Council of Ministers in Gaborone under “A” items.

F. Provisional Agenda of the ACP-EC Council of Ministers, in particular identification of "C" Items and preparation of the meeting with Civil Society

The Committee approved a meeting document which contains the draft provisional Agenda for the ACP-EC Council of Ministers meeting of 6 and 7 May 2004 in Gaborone.

It also confirmed to retain HIV/AIDS as the subject for a free-flowing discussion under "C" Item between Ministers and representatives of civil society and other guest speakers. This discussion will be given media coverage.

The EU announced its intention to raise under AOB a point regarding the International Criminal Court and the promotion of further adherence to the Rome Statute.

4. Directors of the CDE and the CTA

The EU Presidency made a statement insisting on a rapid launch of the selection procedure for the recruitment of the new Directors of the CDE and the CTA. The EU recalled that both mandates will terminate on 28 February 2005 and confirmed the principle of rotation between the two Centres. It underlined the importance of a totally transparent and open selection procedure for appointing candidates.

The EU expressed the wish that these general orientations be retained in the Conclusions of the meeting and requested that this point be added to the Agenda of the Joint Council.

The ACP side noted the observations made by the EU while pointing out that this issue was within the competence of the ACP-EC Committee of Ambassadors.

5. Other business

The ACP Presidency raised the issue of the delays in the examination of financing requests for the use of intra-ACP funds.

The Commission replied that it would look into the matter, which is not an easy one. The Commission asked in return that in the same spirit of cooperation the ACP look into the adoption of some proposals presented months before by the Commission.

The Committee took note of the concerns expressed by the ACP side and the EU reply.

