

EC/ACP agreement: revision of the partnership agreement with the African, Caribbean and Pacific States

2005/0071(AVC) - 07/06/2005 - Supplementary legislative basic document

In a Council document dated 7 June 2005, Member States' delegations agreed on a revised version of the proposal for a decision to approve the agreement amending the Cotonou Agreement. In legal terms, the latter must be adopted according to the procedure laid down in Article 310 of the TEC, together with Article 300 (2)(1) (Council conclusion requiring unanimity for international agreements with third country partners or international organisations).

The main points of the amended agreement are as follows:

1) the Parties commitment to the fight against terrorism: several articles have been inserted making the fight against terrorism an integral part of the Agreement. To this end, the Parties agree to exchange information on terrorist groups and their support networks, and also exchange views on means and methods to counter terrorist acts, including in technical fields and training, and experiences in relation to the prevention of terrorism;

2) insertion of a clause on cooperation in countering the proliferation of weapons of mass destruction: the following provision is stated to constitute an essential element of the Agreement: that the Parties agree to cooperate and to contribute to countering the proliferation of weapons of mass destruction and their means of delivery through full compliance with their existing obligations under international disarmament and non-proliferation treaties and agreements and other relevant international obligations. Breach of such an essential element indicates that, in the final resort, the agreement may be unilaterally denounced, when all other methods of resolution regarding consultation and dialogue have been exhausted. The amended agreement also sees the establishment of an effective system of national export controls, controlling the export as well as transit of weapons of mass destruction related goods, including a weapon of mass destruction end-use control on dual use technologies and containing effective sanctions for breaches of export controls. Furthermore, it is provided that financial and technical assistance in the area of cooperation to counter the proliferation of weapons of mass destruction will be financed by specific instruments other than those intended for the financing of ACP-EC cooperation.

3) inclusion of a modified recital making reference to the Millennium Development Goals: in particular the eradication of extreme poverty and hunger;

4) simplification of procedures on financial support, including on a regional level: several clauses have been inserted regarding improvement of financing procedures. Non-State actors from ACP States and the Community which have a local character will also be eligible for financial support provided under the amended Agreement, according to the modalities agreed in the national and regional indicative programmes. A greater emphasis is given to the role of Head of Delegation, who will represent the Commission in all spheres of its competence and in all its activities, and be the main contact for ACP States and bodies or organisations eligible for financial support under the Agreement. Inter-regional cooperation is also emphasised (especially intra-ACP cooperation.) It should be noted that an amount of EUR 90 million will be transferred to the intra ACP envelope under the 9th EDF. This amount may be allocated to finance devolution for the period 2006-2007, and will be managed directly by the Commission.

5)resource allocation in order to promote peace in conflict situations:the least developed, landlocked and island, post-conflict and post natural disaster ACP States will receive more favourable treatment. The amended Agreement also reinforces several development strategies, such as traditional knowledge, the fight against AIDS through particular attention to the situation of women, the strengthening of local communities, particularly through the reintegration of children in a post-conflict situation.

6) strengthened political dialogue: the objective of this dialogue is to exchange information, to foster mutual understanding and to facilitate the establishment of agreed priorities and shared agendas. The objectives of the dialogue will also include preventing situations arising in which one Party might deem it necessary to have recourse to the consultation procedures envisaged in Articles 96 and 97. The political dialogue will apply to all the essential elements of the Agreement (respect for human rights, democratic principles and the rule of law, and fundamental elements regarding good governance. It also applies to weapons of mass destruction).

With regard to financing, for the purposes set out in the amended Agreement and for a period beginning on 1 March 2005, a multi-annual financial framework of cooperation will cover commitments beginning on 1 January 2008 for a period of five or six years. For this new period, the European Union will maintain its aid effort to ACP States at least at the same level as that of the 9th EDF, not including balances.