

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

2005/0071(AVC) - 03/04/2006 - Legislative proposal

On 3 April 2006, the Council proposal a new version of the draft decision to approve the agreement amending the Cotonou Agreement. The new version's objective is twofold:

1) to amend the legal basis for the adoption of the agreement, following the request for assent submitted by the Council pursuant to Article 300(3), second subparagraph, in conjunction with Article 310 and Article 300(2), first subparagraph of the EC Treaty;

2) to clarify the conditions of the consultation procedure under Article 96 and Article 97 of the Cotonou Agreement: where, at the initiative of the Commission or a Member State, after having exhausted all possible options for dialogue, the Council considers that an ACP State fails to fulfil an obligation concerning one of the essential elements referred to in the Partnership Agreement, or in serious cases of corruption, the ACP State concerned shall be invited, unless there is special urgency, to hold consultations in accordance with Articles 96 and 97 of the Partnership Agreement. Where, at the initiative of the Commission or a Member State, informed in particular by reports by the IAEA, the OPCW and other relevant multilateral institutions, the Council considers that an ACP State has failed to fulfil an obligation of the Partnership Agreement on non-proliferation of weapons of mass destruction, the ACP State concerned shall be invited, unless there is special urgency, to hold consultations.

If, on expiry of the deadlines for consultations, and despite all efforts, no solution has been found, or immediately in a case of urgency or refusal to hold consultations, the Council may, pursuant to those Articles, decide, on a proposal from the Commission and acting by a qualified majority, to take appropriate measures including partial suspension.

The Council shall act unanimously in the case of a full suspension of application of the Partnership Agreement in relation to the ACP State concerned. These measures shall remain in force until such time as the Council has used the applicable procedure as set out in the first subparagraph to take a decision amending or revoking the measures adopted previously, or where applicable, for the period indicated in the Decision. For that purpose the Council shall proceed to review the above measures regularly and at least every 6 months.

The actual Agreement has not been amended (for more details about the Agreement, please refer to the supplementary initial document dated 07/06/2005).