Basic information

1996/0050(AVC) AVC - Assent procedure (historic)	Procedure completed
ACP/EU relations, Lome IV Convention: human rights, democratisation, article 366 a for consultations **Subject** 6.10.08 Fundamental freedoms, human rights, democracy in general 6.40.06 Relations with ACP countries, conventions and generalities **Geographical area** ACP countries	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
DEVE Development and Cooperation	AELVOET Magda G.H. (V)	30/05/1996

Former committee responsible	Former rapporteur	Appointed
DEVE Development and Cooperation	AELVOET Magda G.H. (V)	30/05/1996
DEVE Development and Cooperation	AELVOET Magda G.H. (V)	30/05/1996

Former committee for opinion	Former rapporteur for opinion	Appointed
AFET Foreign Affairs, Security and Defense Policy	BERTENS Jan Willem (ELDR)	20/03/1997
RELA External Economic Relations	SMITH Alex (PSE)	21/03/1996

Council of the European Union

Council configuration	Meetings	Date
Environment	2165	1999-03-11

Key events

Date	Event	Reference	Summary

21/02/1996	Initial legislative proposal published	COM(1996)0069	Summary
21/05/1997	Vote in committee		Summary
21/05/1997	Committee interim report tabled for plenary	A4-0175/1997	
13/06/1997	Debate in Parliament		
09/02/1998	Legislative proposal published	05644/1998	Summary
19/05/1998	Vote in committee		Summary
19/05/1998	Committee interim report tabled for plenary	A4-0194/1998	
15/06/1998	Debate in Parliament		
20/01/1999	Vote in committee		Summary
20/01/1999	Committee report tabled for plenary, 1st reading/single reading	A4-0013/1999	
11/02/1999	Debate in Parliament		
11/03/1999	Act adopted by Council after consultation of Parliament		
11/03/1999	End of procedure in Parliament		
20/03/1999	Final act published in Official Journal		

Technical information

Procedure reference	1996/0050(AVC)
Procedure type	AVC - Assent procedure (historic)
Procedure subtype	International agreement
Legal basis	EC Treaty (before Amsterdam) E 238
Stage reached in procedure	Procedure completed
Committee dossier	DEVE/4/09845 DEVE/4/09848 DEVE/4/09844

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee interim report tabled for plenary		A4-0175/1997 OJ C 182 16.06.1997, p. 0002	21/05/1997	
Interim resolution adopted by Parliament		T4-0344/1997 OJ C 200 30.06.1997, p. 0245-0256	13/06/1997	Summary
Committee interim report tabled for plenary		A4-0194/1998 OJ C 195 22.06.1998, p. 0004	19/05/1998	
Interim resolution adopted by Parliament		T4-0355/1998 OJ C 210 06.07.1998, p. 0103-0125	17/06/1998	Summary

Committee report tabled for plenary, 1st reading/single reading		A4-0013/1999 OJ C 150 28.05.1999, p. 0003	20/01/1999	
Text adopted by Parliament, 1st reading/single reading		T4-0121/1999 OJ C 150 28.05.1999, p. 0611-0614	12/02/1999	Summary

Council of the EU

Document type	Reference	Date	Summary
Legislative proposal	05644/1998	09/02/1998	Summary
Supplementary legislative basic document	05722/1998	10/02/1998	Summary

European Commission

Document type	Reference	Date	Summary
Initial legislative proposal	COM(1996)0069 OJ C 119 24.04.1996, p. 0007	21/02/1996	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Decision 1999/0213
OJ L 075 20.03.1999, p. 0030 Summary

Decision 1999/0214
OJ L 075 20.03.1999, p. 0032

ACP/EU relations, Lome IV Convention: human rights, democratisation, article 366 a for consultations

1996/0050(AVC) - 10/02/1998 - Supplementary legislative basic document

In a supplementary document addressed to the European Parliament, the Council explains why it did not take account of the recommendations made by Parliament in its interim report of 13.06.1997: -as regards prior consultation of the European Parliament, under the assent procedure, whenever the Council wishes to act under Article 366a of the Convention, the Council explains that after the entry into force of the Amsterdam Treaty, Article 300 (formerly 228) of the future Treaty will require a Council decision on a proposal from the Commission in the event of the suspension of an agreement based on Article 310 (formerly 238), after which Parliament will immediately simply be informed. Consequently, the Council considers that it cannot adopt a decision which would be incompatible with the future provisions of the Treaty. This also implies that in the event of partial suspensions or other more limited measures, the assent of the European Parliament likewise could not be provided for legally; -as regards Parliament's call for the power to act in its own name as part of the procedure laid down, the Council considers that this proposal cannot be accepted, as nowhere does the Treaty provide for such initiatives by Parliament before the Council has acted. However, the Council states that, in accordance with the proposal, Parliament will be immediately and fully informed of all decisions adopted by the Council. In an annex, the Council puts forward a proposal for a decision by the representatives of the Governments of the Member States amending the agreement on the measures to be taken and the procedures to be followed to apply the Fourth Lomé Convention. This decision concerns the procedure to be adhered to for measures concerning fields for which the Member States are competent.

ACP/EU relations, Lome IV Convention: human rights, democratisation, article 366 a for consultations

1996/0050(AVC) - 11/03/1999 - Final act

PURPOSE: to establish a procedure under the Lomé Convention for the partial or full suspension of cooperation in cases of serious abuse of human rights. COMMUNITY MEASURE: Council Decision 1999/214/EC regarding the implementation of Article 366a of the Fourth Lomé Convention. CONTENT: According to the Lomé Convention, respect for human rights, democratic principles and the rule of law (Article 5 of the Mauritius Agreement amending Lomé IV) constitutes an essential element of the Convention. In Article 366a, the Convention provides that a party (the Community and its Member States or any of the ACP States) which considers that another party has failed to fulfil an obligation in respect of Article 5 of the Mauritius Agreement, may invite that party to hold consultations with a view to examining the situation and resolving it. To this end, Article 366a provides that a specific procedure should be applied containing the precise time limits for consultations. This decision fixes the procedure to be followed in such cases. Hence, it provides that the Council, acting by a qualified majority, will invite the ACP State concerned to hold consultations. On expiry of the time limit provided for by Aricle 366a of the Convention (or else immediately in case of urgency or refusal to hold consultations), the Council may, acting by a qualified majority, decide to partially suspend cooperation. It should be noted that the European Parliament shall be immediately and fully informed of any decision to suspend or withdraw cooperation. However, it will not be allowed to take the initiative in this area and its assent for the suspension or resumption of cooperation will not be required, as it had wanted. The measures decided upon will remain in force for as long as necessary and cannot be modified except by means of a Council decision. To this end, the Council will review at least every six months the measures taken. In fields covered by the Convention and falling within the competence of Member States, the Member States may authorise the Council to cover these fields in adopting decisions relating to consultation or suspension of the Convention. ENTRY INTO FORCE: 12/03/1999.

ACP/EU relations, Lome IV Convention: human rights, democratisation, article 366 a for consultations

1996/0050(AVC) - 09/02/1998 - Legislative proposal

This second basic Council proposal largely corresponds with the Commission's 1996 proposal, comprising the following points: -the establishment of an appropriate procedure to be followed if a party to the Lomé Convention considers that another party has failed to comply with an essential element of the Convention (respect for human rights, democratic principles and the rule of law), -the Council to decide by a qualified majority, on a proposal by the Commission, what measures, if any, should be taken (including partial suspension of the Convention), -the Council to decide unanimously on cases of total suspension of the benefits of the Convention, -the European Parliament to be informed immediately and in full concerning the measures taken vis-à-vis an ACP State under this decision.

ACP/EU relations, Lome IV Convention: human rights, democratisation, article 366 a for consultations

1996/0050(AVC) - 21/02/1996 - Initial legislative proposal

OBJECTIVE: the purpose of the Decision is to establish a procedure for implementing Article 366a of the Lomé Convention which provides for the application of possible sanctions, after consultations between the parties concerned, against a State which has failed to respect the fundamental rights and human rights endorsed by the Convention. SUBSTANCE: in accordance with the Lomé Convention, respect for human rights and democratic principles constitutes one of the essential elements of the Convention (Article 5 of the Mauritius Agreement amending LOMÉ IV). Article 366a of the Convention provides that a party (namely the Community and its Member States, on the one hand, and each ACP State, on the other) which considers that there has been a failure to fulfil an obligation stemming from those essential elements may invite the State concerned to hold consultations to assess the situation and remedy it. To that end, Article 366a provides for a special procedure, including set deadlines for those consultations. On expiry of the deadlines, if the State refuses to be consulted or immediately in the event of urgency, the party which invoked the failure (in this case, the Community), may decide to take steps or to suspend, partly or in full, the application of the Convention (suspension is a last resort). The purpose of this proposal is precisely to define the procedure to be implemented by the Community in such cases, with a view to applying Article 366a of the Convention. In addition, in fields covered by the Convention and falling within their jurisdiction, the Member States may authorize the Council to cover those fields when it adopts (by a qualified majority) measures concerning consultations or suspension of the Convention. A Council decision providing for simple consultations or for steps to be taken is to be notified to the European Parliament immediately.

ACP/EU relations, Lome IV Convention: human rights, democratisation, article 366 a for consultations

1996/0050(AVC) - 13/06/1997 - Interim resolution adopted by Parliament

In adopting the interim report by Mrs Magda AELVOET (V, B), the European Parliament adopted, pursuant to Rule 80(3) of its Rules of Procedure, a resolution comprising a number of recommendations to the Commission concerning the implementation of its proposal for a Decision. In addition to its recommendations, Parliament called for a conciliation procedure to be opened with the Council prior to delivering its definitive assent. The recommendations concern the following points: - inclusion in the text of the Decision of respect for human rights, democratic principles and the rule of

law as 'essential elements' in development cooperation between the Union and the ACP countries, - a change to the procedure envisaged so that the initiative for consultations taken following a violation by an ACP State may come from Parliament on the same basis as from the Commission or a Member State. The decision as to whether to initiate the procedure or not will have to be taken by the Council after Parliament has given its assent. Similarly, on expiry of the deadline set for consultations, the Council may only take steps after it has sought the assent of Parliament (and possibly at Parliament's request), - the resumption of cooperation with the country concerned may only be decided after an assessment of progress made regarding respect for the rights violated by that country and may only be decided by the Council, acting by a qualified majority, after Parliament has given its assent.

ACP/EU relations, Lome IV Convention: human rights, democratisation, article 366 a for consultations

1996/0050(AVC) - 17/06/1998 - Interim resolution adopted by Parliament

In adopting the report by Mrs Magda AELVOET (V, B) on the procedure for suspending the Lomé Convention, the European Parliament once again called at least to be consulted when the Council intended to suspend or resume development cooperation with an ACP country (it may be recalled that on 6 March 1998 the Council had informed Parliament that such a consultation procedure was legally impossible). Consequently, Parliament called for a consultation procedure to be initiated with the Council on the subject with the active participation of the Commission. An interim report to this effect was submitted and adopted by Parliament on 13 June 1997, calling, in substance, for Parliament to be duly consulted in such circumstances by means of the assent procedure. In the present resolution, Parliament proposes the same recommendations as in its interim report, except that it asks only to be consulted rather than for its assent to be sought. The substance of the recommendations, it will be recalled, was as follows: -the main agreements and international documents on recognition and safeguarding of human rights were recalled; -respect for human rights, democracy and the rule of law was an essential element in development cooperation between the Union and the ACP countries; -the procedure should be amended so as to allow Parliament - on an equal footing with the Commission and Member States - to propose consultation in the event of a shortcoming on the part of an ACP country. The decision as to whether the initiate the procedure should be taken by the Council after consulting the European Parliament; -decisions on the resumption of cooperation should be taken after consultation of Parliament.

ACP/EU relations, Lome IV Convention: human rights, democratisation, article 366 a for consultations

1996/0050(AVC) - 12/02/1999 - Text adopted by Parliament, 1st reading/single reading

MEPs voted to adopt without amendment the proposed procedure for implementing Art. 366a of the Fourth Lomé Convention which provides for the suspension of co-operation in cases of serious abuse of human rights. The Resolution was drafted by Ms. Magda AELVOET (Green, B).