

ЕВРОПЕЙСКИ ПАРЛАМЕНТ

2004



2009

Документ за разглеждане в заседание

ОКОНЧАТЕЛЕН
A6-0469/2006

20.12.2006

ПРЕПОРЪКА

относно предложението за решение на Съвета относно сключването на споразумение, изменящо Споразумението за партньорство между държавите от Африка, Карибите и Тихоокеанския басейн, от една страна, и Европейската общност и нейните държави-членки, от друга страна, подписано в Котону на 23 юни 2000 г.
(6987/2006 – C6-0124/2006 – 2005/0071(AVC))

Комисия по развитие

Докладчик: José Ribeiro e Castro

Легенда на използваните знаци

- * Процедура на консултация
мнозинство от подадените гласове
- **I Процедура на сътрудничество (първо четене)
мнозинство от подадените гласове
- **II Процедура на сътрудничество (второ четене)
мнозинство от подадените гласове за одобрение на общата позиция
мнозинство от всички членове на Парламента за отхвърляне или изменение на общата позиция
- *** Одобрение
мнозинство от всички депутати, освен в случаите по членове 105, 107, 161 и 300 от Договора за ЕО и член 7 от Договора за ЕС
- ***I Процедура на съвместно решение (първо четене)
мнозинство от подадените гласове
- ***II Процедура на съвместно решение (второ четене)
мнозинство от подадените гласове за одобрение на общата позиция
мнозинство от всички членове на Парламента за отхвърляне или изменение на общата позиция
- ***III Процедура на съвместно решение (трето четене)
мнозинство от подадените гласове за одобрение на общия проект

(Посочената процедура се базира на правната основа, предложена от Комисията.)

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ЗАКОНОДАТЕЛНА ПРОЕКТОРЕЗОЛЮЦИЯ НА ЕВРОПЕЙСКИЯ ПАРЛАМЕНТ

относно предложението за решение на Съвета относно сключването на споразумение, изменящо Споразумението за партньорство между държавите от Африка, Карибите и Тихоокеанския басейн, от една страна, и Европейската общност и нейните държави-членки, от друга страна, подписано в Котону на 23 юни 2000 г.

(6987/2006 – C6-0124/2006 – 2005/0071(AVC))

(Процедура на одобрение)

Европейският парламент,

- като взе предвид проекторешението на Съвета (6987/2006)¹,
 - като взе предвид проектоспоразумението, изменящо Споразумението за партньорство между държавите от Африка, Карибите и Тихоокеанския басейн, от една страна, и Европейската общност и нейните държави-членки, от друга страна, подписано в Котону на 23 юни 2000 г.,
 - като взе предвид искането за одобрение, представено от Съвета съгласно член 300, параграф 3, алинея втора, във връзка с член 310 от Договора за ЕО (C6-0124/2006),
 - като взе предвид член 75 и член 83, параграф 7 от своя правилник,
 - като взе предвид препоръката на комисията по развитие и становището на Комисията по външни работи (A6-0469/2006),
1. дава своето одобрение за сключването на споразумението;
 2. възлага на своя председател да предаде позицията на Парламента на Съвета и Комисията, както и на правителствата и парламентите на държавите-членки на АКТБ.

¹ Все още непубликувано в ОВ.

EXPLANATORY STATEMENT

Negotiations on the revision of the Cotonou Agreement were concluded under the joint presidency of Luxembourg and Cape Verde on 23 February 2005 in Brussels, and the treaty amending it formally signed in Luxembourg on 25 June 2005.

This was the first of the five-yearly revisions provided for under Article 95 of the Cotonou Agreement, which was concluded for a 20-year period commencing in March 2000 and ending in February 2020.

The revision is fully contiguous and in line with the Lomé-Cotonou acquis while making several changes that are political in nature or aimed at enhancing effectiveness. Parliament is invited, pursuant to Article 300 TEC, to assess the agreement under the assent procedure and also to adopt a position, in the form of a resolution, on recommendations for its implementation. However, the Agreement as it stands presents a problem in that it does not contain an agreement on financing.

1. THE LOMÉ-COTONOU ACQUIS

This amended text takes over the whole of the Lomé and Cotonou acquis. The Lomé Convention was signed in 1975 by 46 African, Caribbean and Pacific countries and by the 9 Member States of the European Union. The European Union has gradually enlarged to 25 members (soon to be 27) while the number of partner ACP States has risen from 46 to 78.

Cooperation is based on a partnership that acknowledges both parties signatory to be equals, as is testified by the joint nature of its institutions. From the outset, the aim was to achieve a global and cohesive strategy, with programmability, a non-reciprocal trade system - with protocols per product group - and mechanisms for stabilising export earnings on primary products.

Following the fall of the Berlin Wall in 1989 and the upheavals that followed, the reference appeared in the Lomé IV Convention to respect for human rights.

The Cotonou Agreement consolidated and reinforced this trend and established five interdependent pillars: an enhanced political dimension, increased participation, a more strategic approach to cooperation, centred on poverty reduction, the negotiation and conclusion of Economic Partnership Agreements (EPAs) and an improvement in financial cooperation.

The European Parliament gave its assent to the Cotonou Agreement on 17 January 2002.

The Cotonou Agreement is an exemplary agreement, not only because it governs all facets of the EU's relations with the countries concerned, but also because it concerns some 750 million

people worldwide.

2. AMENDMENTS UNDER THE FIRST FIVE-YEARLY REVISION OF THE COTONOU AGREEMENT

Political dialogue (Articles 6a and 96 and Annex VII)

The revised Agreement provides for a more systematic and formal political dialogue under Article 8 when this relates to the three essential elements (human rights, democratic principles and the rule of law). Furthermore, this dialogue must now be held before the consultation procedure provided for by Article 96 can be launched. These provisions are complemented by a new annex setting out the detailed arrangements for this structured dialogue. In keeping with the preventive nature of the dialogue within the meaning of Article 8, a formal and structured dialogue should be held systematically with each country. If, at the end of this formal dialogue, one party considers that the other has failed to respect an essential obligation, it can invoke the consultation procedure and, if necessary, the appropriate measures provided for under Article 96. The timeframes for consultations under Articles 96 and 97 have been extended. The Joint Council may lay down a certain number of additional arrangements, relating, for instance, to the stages of the consultation process and types of benchmarks and targets.

In addition, under the revised Cotonou Agreement, the representatives of the ACP Group and the ACP-EU JPA may participate in the political dialogue provided for in Article 8. In practical terms, this means, for the ACP Group, the troika of the ACP Committee of Ambassadors and the chairperson of the ACP sub-committee on political, social, humanitarian and cultural affairs and, for the JPA, the co-presidents or their designated representatives.

Strengthening of the parliaments (Article 58(2))

For the first time, express reference is made to national parliaments as aid recipients. What is now provided for was already possible in the past, but is sure to encourage the governments of the ACP countries to involve parliaments more systematically in their negotiations on national strategy documents.

The reference to the International Criminal Court (Preamble and Article 6)

This is another completely new element in the Agreement. The partner states asserted their support for the ICC, but discussions on this issue were difficult. The ACP States were broadly in favour of the ICC, with some of them having been a driving force behind it. At the same time, pressure was exerted on them by the United States, which threatened retaliatory action against those countries who signed the Rome Statute. This issue was the subject of much debate at the discussions between the President of the ICC, Mr Philippe Kirsch, and the ACP-EU JPA in The Hague on 23 November 2004. President Kirsch's intervention was without doubt decisive, at a critical juncture in the negotiations, in winning the support of the ACP representatives.

Cooperation in countering the proliferation of weapons of mass destruction (WMD) (Article 11b)

This is doubtless one of the most politically important amendments to the Agreement and was

the subject of fierce negotiations. It provides for (1) a statement that additional financial and technical assistance will be granted for cooperation on the non-proliferation of WMD and that this will not be funded from resources intended for ACP-EU development cooperation; (2) a statement specifying that the timetable for such measures will be tailored to the specific circumstances in each country; and (3) a provision whereby compliance with non-proliferation measures must be assessed, in particular, on the basis of reports produced by the relevant multilateral institutions.

Countering the proliferation of weapons of mass destruction will henceforth be an essential element of the partnership, alongside human rights, democratic principles and the rule of law.

The ACP countries were reluctant to include this point in the amended agreement as, in their view, this was what had triggered the war in Iraq even though, subsequently, the existence of weapons of mass destruction in that country had not been proved¹. Another problem, expressed less openly by the ACP countries, was that of the structural weakness of some ACP States and the fact they are unable to exercise *de facto* control over all their territory. Agreement was eventually reached on a wording satisfactory to both parties, not least because provision is made therein for additional support for technical assistance.

The fight against terrorism (Article 11a)

Combating terrorism is described as a joint objective.

Other points in the amended agreement:

- a. reference to the Millennium Development Goals (Preamble)
- b. reference to the decentralised local authorities (Articles 4 and 58(2))
- c. prevention of mercenary activities (Article 3a (new))
- d. promotion of traditional knowledge (Article 23(e))
- e. prevention of HIV/AIDS, malaria and tuberculosis (Article 25 (new))
- f. encouragement of student and youth exchanges (Article 27(e))
- g. extension of regional cooperation to non-ACP countries (Articles 30(2) and 58)
- h. information and communication technologies (Article 43(4))
- i. least developed, landlocked and island countries (Article 89)

The simplification of management procedures has been included in the annexes and will also be the subject of a decision by the Joint Council.

¹ See the speech by Mrs Coye, Chair of the Committee of ACP Ambassadors, to the Committee on Political Affairs of the ACP-EU JPA on 3 February 2005.

3. ASSESSMENT OF THE AMENDMENTS

The amendments, which are deliberately limited in scope, can as a whole be supported. The new procedure for political dialogue, the new role awarded to the parliaments, the reference to the International Criminal Court, the reference to the Millennium Development Goals and regional cooperation are unarguably improvements on the previous text.

Some question whether it was really appropriate to elevate the countering of WMD proliferation to the status of an essential element of the Agreement. It is absolutely essential to ensure that the objectives in the areas of human rights, democratic principles, the rule of law and good governance are not watered down, as they form the principal reference of any agreement.

The express reference to the Millennium Development Goals is to be welcomed. This should be mirrored in the national strategy documents, with priority being given to poverty reduction, basic education and health.

The reference to the role of the parliaments in the implementation of the agreement is, for the European Parliament, one of the key points in the amended agreement. While, in effect, there never used to be anything to prevent parliamentary capacity being enhanced via EDF appropriations, this happened relatively rarely. According to the Commission, only 7 of the 77 ACP countries (prior to the accession of East Timor) have to date received parliamentary support via the EDF. The development of parliamentary capacity is key to ensuring transparency and good governance, and that there is public debate on development policy choices and priorities. Parliamentary control has become all the more essential since budgetary aid is now utilised for over a third of all ACP countries. The JPA's Committee on Political Affairs has drawn up a report examining the issue of strengthening the role of national parliaments in implementing the Cotonou Agreement and, in a resolution adopted on 24 November 2005 in Edinburgh, suggests tangible ways of strengthening the role of the parliaments¹. In particular, it suggests that the parliaments should be systematically involved in the programming, monitoring and assessment of the impact of cooperation and that 'best practices' in the area of parliamentary control should be identified and disseminated.

On the ACP side, Mr Borges, Cape Verde's Minister for Foreign Affairs and President-in-Office of the ACP Council, stated at a meeting of the Committee on Development on 21 June 2005 that the Agreement was 'satisfactory and balanced'. He nevertheless expressed the desire for a simplification of the administrative procedures for accessing the EDF.

Lastly, as will be seen below, the main shortcoming of the Agreement is that it fails to fix an amount for the multi-annual financial framework.

4. THE FINANCIAL FRAMEWORK

Unlike previous agreements, the amended Cotonou Agreement contains no provisions on the financial framework. No agreement could be reached on this point, owing partially to the on-

¹ Not yet published in OJ.

going discussions on the budgetisation of the EDF and on the financial perspective. The new multi-annual financial framework is set to begin on 1 January 2008.

Annex 1a of the revised Cotonou Agreement simply provides that:

'For this new period, the European Union will maintain its aid effort to ACP Countries at least at the same level as that of the 9th EDF, not including balances; to this should be added, based on Community estimates, the effects of inflation, growth within the European Union, and enlargement to 10 new Member States in 2004.'

Despite a statement of intent by the EU in this respect, it proved impossible to establish an 'exact amount' by September 2005. On the basis of Annex 1a to the revised Cotonou Agreement, the Luxembourg Presidency had calculated an amount of 22 682 billion euros at current prices for the six-year period 2008-2013, in the context of the negotiations on the financial perspective, with a view to the European Council meeting of 16-17 June 2005¹. The European Commission, for its part, had set the amount at 24 948 billion euros².

In its resolution of 23 March 2006³, Parliament expressed the view that the final amount should reflect a continuation of the aid effort under the 9th EDF, along the lines set out in Annex 1a, but that it should also reflect the commitment to increasing development aid to at least 0.39% of GNP in 2006, 0.56% by 2010 and 0.7% by 2015.

Finally, the ACP-EU Joint Council which met at Port Moresby (Papua New Guinea) on 2 June 2006 agreed to an amount of 23 966 million euros, which will cover a six-year period starting on 1 January 2008. The sum of 21 966 million euros under the 10th EDF will be available as from the entry into force of the multiannual financial framework and will be allocated as follows: 17 766 million euros to fund national and regional indicative programmes; 2 700 million euros to fund intra-ACP and interregional cooperation; and 1 500 million euros to fund the investment facility. 2 000 million euros will be allocated by the European Investment Bank in the form of loans from its own resources. This amount will be allocated exclusively to the ACP, which rules out the proposal to include Overseas countries and territories (PTOM).

Following the request of the Parliament, administrative costs are additional. They amount to 430 million euros.

¹ Council of the European Union, 15 June 2005 - ST 10090/05, CADREFIN 130.

² COM(2003) 590, COM(2004) 629, and COM(2004) 838

³ P6_TA-PROV(2006)0112.

5. CONCLUSION

By and large, your rapporteur supports the amendments to the Agreement, subject to certain remarks and suggestions as regards its implementation.

30.1.2006

OPINION OF THE COMMITTEE ON FOREIGN AFFAIRS

for the Committee on Development

on the proposal for a Council decision concerning the conclusion of the Agreement amending the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000
(6987/2006 – C6 0124/2006 – 2005/0071(AVC))

Draftsman: Johan Van Hecke

SUGGESTIONS

The Committee on Foreign Affairs calls on the Committee on Development, as the committee responsible, to approve the conclusion of the Agreement. In so doing, the Committee:

1. Welcomes many positive developments, reflecting new strength and new ambitions in Africa, such as the establishment of the New Partnership for Africa's Development (NEPAD), the creation of the African Union and increasing African leadership of peacekeeping and mediation efforts;
2. Underlines that the revised Agreement marks an improvement in the relationship between the ACP States, the European Community and the EU Member States, while maintaining the Cotonou acquis;
3. Urges a stronger focus on effective regional mechanisms to enforce international and regional legal standards and norms;
4. Welcomes the enhanced provisions on political dialogue in the revised Cotonou Agreement, and calls for the strategic use of these new provisions to allow faster and more effective responses to crises;
5. Notes that more structured and effective political dialogue must also be developed with countries and regions where there is no evident or imminent crisis;
6. Calls for an integration of EU activities for conflict prevention, crisis management, conflict resolution, reconciliation and reconstruction, and for special attention to be given

to states emerging from recent conflicts, and calls on the Commission to actively monitor compliance by the parties concerned with international peace agreements;

7. Emphasises the importance of the role played by EU election observation missions in conflict prevention and the promotion of democracy, and calls for the findings contained in the reports prepared by those missions to be taken into account in the elaboration of EU development policy towards the ACP States;
8. Welcomes the insertion of a clause on cooperation in combating the spread of weapons of mass destruction and calls for the closest possible cooperation between EU and ACP states and the UN in the fight against terrorism and the prevention of the proliferation both of light arms and of weapons of mass destruction, in accordance with the UN Charter and international law;
9. Welcomes the determination of the parties to the Agreement to take steps towards ratifying and implementing the Rome Statute of the International Criminal Court and its related instruments, as a central element in the effort to bring to justice those who perpetrate crimes against humanity, and emphasises the importance of the UN ad hoc tribunals in the fight against impunity.

PROCEDURE

Title	Proposal for a Council decision concerning the conclusion of the Agreement amending the Partnership Agreement signed in Cotonou on 23 June 2000 between the African, Caribbean and Pacific States, on the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000
Procedure number	2005/0071(AVC)
Committee responsible	DEVE
Opinion by Date announced in plenary	AFET
Enhanced cooperation – date announced in plenary	
Draftsman Date appointed	Johan Van Hecke, 14.6.2005
Discussed in committee	24.10.2005 25.1.2006
Date adopted	26.1.2006
Result of final vote	+ : 42 - : 0 0 : 0
Members present for the final vote	Elmar Brok, Simon Coveney, Giorgos Dimitrakopoulos, Camiel Eurlings, Maciej Marian Giertych, Ana Maria Gomes, Alfred Gomolka, Anna Ibrisagic, Toomas Hendrik Ilves, Georgios Karatzaferis, Ioannis Kasoulides, Bogdan Klich, Vytautas Landsbergis, Cecilia Malmström, Emilio Menéndez del Valle, Francisco José Millán Mon, Philippe Morillon, Annemie Neyts-Uyttebroeck, Raimon Obiols i Germà, Cem Özdemir, Mirosław Mariusz Piotrowski, Bernd Posselt, Michel Rocard, Raúl Romeva i Rueda, Libor Rouček, Jacek Emil Saryusz-Wolski, György Schöpflin, Hannes Swoboda, István Szent-Iványi, Konrad Szymański, Charles Tannock, Jan Marinus Wiersma, Karl von Wogau, Luis Yañez-Barnuevo García, Josef Zieleniec
Substitute(s) present for the final vote	Marie Anne Isler Béguin, Erik Meijer, Janusz Onyszkiewicz, Aloyzas Sakalas, Inger Segelström
Substitute(s) under Rule 178(2) present for the final vote	Lena Ek, Jules Maaten
Comments (available in one language only)	

PROCEDURE

Title	Proposal for a Council decision concerning the conclusion of the Agreement amending the Partnership Agreement between the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000
References	6987/2006 – C6-0124/2006 – 2005/0071(AVC)
Date of request for Parliament's assent	10.4.2006
Committee responsible Date announced in plenary	DEVE 26.4.2006
Committee(s) asked for opinion(s) Date announced in plenary	AFET INTA 26.4.2006 26.4.2006
Not delivering opinion(s) Date of decision	INTA 30.8.2005
Enhanced cooperation Date announced in plenary	
Rapporteur(s) Date appointed	José Ribeiro e Castro 24.5.2005
Discussed in committee	2.10.2006
Date adopted	19.12.2006
Result of final vote	+ : 27 - : 0 0 : 3
Members present for the final vote	Margrete Auken, Alessandro Battilocchio, Margrietus van den Berg, Danutė Budreikaitė, Marie-Arlette Carlotti, Thierry Cornillet, Fernando Fernández Martín, Michael Gahler, Filip Kaczmarek, Glenys Kinnock, Maria Martens, Miguel Angel Martínez Martínez, Gay Mitchell, Horst Posdorf, Toomas Savi, Pierre Schapira, Frithjof Schmidt, Jürgen Schröder, Anna Záborská, Mauro Zani
Substitute(s) present for the final vote	John Bowis, Milan Gaľa, Fiona Hall, Alain Hutchinson, Linda McAvan, Manolis Mavrommatis, Anne Van Lancker, Zbigniew Zaleski, Gabriele Zimmer
Substitute(s) under Rule 178(2) present for the final vote	María Sornosa Martínez
Date tabled	20.12.2006
Comments (available in one language only)	...