



Brussels, 8.5.2013
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2013/0145 (NLE)

Proposal for a

COUNCIL DECISION

on the position to be adopted by the European Union within the ACP-EU Council of Ministers concerning the status of the Federal Republic of Somalia in relation to 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

EXPLANATORY MEMORANDUM

On 23 June 2000, the members of the African, Caribbean and Pacific Group of States (hereinafter referred to as ACP States), on the one hand, and the European Community and its Member States, on the other, signed a Partnership Agreement in Cotonou (Benin) (hereinafter referred to as the 'Cotonou Agreement').

On 25 June 2005 in Luxembourg, the ACP States and the European Community and its Member States signed an Agreement amending the Cotonou Agreement. In accordance with Article 93(3) thereof, the amended Cotonou Agreement entered into force on 1 July 2008 following ratification of the revision by the European Community and its Member States and by two thirds of the ACP States.

On 22 June 2010 in Ouagadougou, the ACP States and the European Union signed an Agreement amending for the second time the Cotonou Agreement, which has been provisionally applied since 31 October 2010.

In a letter dated 25 February 2013 sent to the EU High Representative/Vice President Catherine Ashton, and to the President of the ACP-EU Council through the General Secretariat of the Council of the European Union, the Federal Republic of Somalias Minister of Foreign Affairs and International Cooperation, H.E. Fawzia Yusuf Adam, formally requested observership and subsequent accession to the Cotonou Agreement in accordance with the provisions of Article 94 of the Agreement. The European Union should respond favourably to this request, which should be approved by a formal decision by the Joint ACP-EU Council of Ministers, during their meeting in Brussels, on 6 and 7 June 2013.

In accordance with Article 218(10) of the Treaty on the Functioning of the European Union, the European Parliament will be informed.

The Commission therefore proposes that the Council adopt the attached proposal for an EU position concerning the status of the Federal Republic of Somalia in relation to the amended Cotonou Agreement.

Proposal for a

COUNCIL DECISION

on the position to be adopted by the European Union within the ACP-EU Council of Ministers concerning the status of the Federal Republic of Somalia in relation to 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

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 217 in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) 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 2000¹, as first amended in Luxembourg on 25 June 2005² (hereinafter 'the Cotonou Agreement'), entered into force on 1 July 2008 in accordance with Article 93(3) thereof. The Cotonou Agreement was amended for the second time in Ouagadougou on 22 June 2010³. The second amendment to the Cotonou Agreement has been provisionally applied since 31 October 2010⁴.
- (2) Article 94 of the Cotonou Agreement stipulates that any request for accession by a State is to be presented to, and approved by, the ACP-EU Council of Ministers.
- (3) On 25 February 2013, the Federal Republic of Somalia presented a request for accession in accordance with Article 94 of the Cotonou Agreement.
- (4) The approval of Somalias accession by the ACP-EU Council of Ministers should be supported by the European Union, the Federal Republic of Somalia should deposit its Act of Accession with the Secretariat General of the Council of the European Union and the Secretariat of the ACP States, Depositories of the Agreement.
- (5) It is therefore appropriate to establish the position to be adopted by the EU within the ACP-EU Council of Ministers,

¹ OJ L 317, 15.12.2000, p. 3.

² 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 (OJ L 209, 11.8.2005, p. 27).

³ Agreement amending for the second time 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, as first amended in Luxembourg on 25 June 2005 (OJ L 287, 4.11.2010, p. 3).

⁴ Decision No 2/2010 of the ACP-UE Council of Ministers of 21 June 2010, JO L 287, 4.11.2010, p.68.

HAS ADOPTED THIS DECISION:

Sole Article

The position of the European Union within the ACP-EU Council of Ministers, on the matter of the Federal Republic of Somalia's request for observership and subsequent accession to the Cotonou Agreement, as amended in Luxembourg and Ouagadougou, is to accept this request under the terms of the draft Decision of the ACP-EU Council of Ministers annexed to this Decision.

Formal and minor changes to the annexed draft Decision of the ACP-EU Council of Ministers may be agreed without requiring the present Decision to be amended.

Done at Brussels,

*For the Council
The President*

ANNEX

Draft

Decision No.../....

OF THE ACP-EU COUNCIL OF MINISTERS

of.....

concerning the observer status and subsequent accession of the Federal Republic of Somalia to 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

THE ACP-EU COUNCIL OF MINISTERS,

Having regard to 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 2000⁵, as first amended in Luxembourg on 25 June 2005⁶ and as amended for the second time in Ouagadougou on 22 June 2010⁷ (hereinafter 'the Cotonou Agreement') and in particular Article 94 thereof,

Having regard to Decision No 1/2005 of 8 March 2005 of the ACP-EU Council of Ministers concerning the adoption of the Rules of Procedure of the ACP-EU Council of Ministers⁸ and, in particular, Article 8(2) thereof,

Whereas

- (1) The Cotonou Agreement entered into force on 1 July 2008 in accordance with Article 93(3) thereof. It was first amended in Luxembourg on 25 June 2005, and for a second time in Ouagadougou on 22 June 2010. The second revision has provisionally been applied since 31 October 2010⁹.
- (2) Article 94 of the Cotonou Agreement stipulates that any request for accession by a State is to be presented to, and approved by, the ACP-EU Council of Ministers.
- (3) On 25 February 2013, the Federal Republic of Somalia presented a request for observership and subsequent accession in accordance with Article 94 of the Cotonou Agreement.
- (4) The Federal Republic of Somalia should deposit the Act of Accession with the Depositaries of the Cotonou Agreement, namely the Secretariat General of the Council of the European Union and the Secretariat of the ACP States.

HAS DECIDED AS FOLLOWS:

Article 1

Approval of request for accession and observer status

⁵ OJ EC L 317, 15.12.2000, p. 3.

⁶ 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 (OJ EU L 209, 11.8.2005, p. 27).

⁷ Agreement amending for the second time 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, as first amended in Luxembourg on 25 June 2005 (OJ EU L 287, 4.11.2010, p. 3).

⁸ OJ EU L 95, 14.4.2005, p. 44.

⁹ Decision No 2/2010 of the ACP-UE Council of Ministers of 21 June 2010, JO L 287, 4.11.2010, p.68.

The Federal Republic of Somalia's request to accede to 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, as first amended in Luxembourg on 25 June 2005 and as amended for the second time in Ouagadougou on 22 June 2010, is hereby approved.

The Federal Republic of Somalia shall deposit its Act of Accession with the Depositaries of the Agreement, namely, the Secretariat General of the Council of the European Union and the Secretariat of the ACP States.

Pending its accession, the Federal Republic of Somalia may attend Council sessions as observer.

Article 2
Entry into force

This Decision shall enter into force on the day following that of its adoption.

Done at,

For the ACP-EU Council of Ministers
The President