



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 21 February 2013

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2013/0053 (NLE)**

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PROPOSAL

from: European Commission
dated: 19 February 2013

No Cion doc.: COM(2013) 86 final

Subject: Proposal for a Council Decision on a European Union Position concerning the Rules of Procedure of the EPA Committee, the Customs Cooperation Committee and the Joint Development Committee provided for by the Interim Agreement establishing a framework for an Economic Partnership Agreement between the Eastern and Southern Africa States, on the one part, and the European Community and its Member States, on the other part

Delegations will find attached a proposal from the Commission, submitted under a covering letter from Mr Jordi AYET PUIGARNAU, Director, to Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union.

Encl.: COM(2013) 86 final



EUROPEAN
COMMISSION

Brussels, 19.2.2013
COM(2013) 86 final

2013/0053 (NLE)

Proposal for a

COUNCIL DECISION

on a European Union Position concerning the Rules of Procedure of the EPA Committee, the Customs Cooperation Committee and the Joint Development Committee provided for by the Interim Agreement establishing a framework for an Economic Partnership Agreement between the Eastern and Southern Africa States, on the one part, and the European Community and its Member States, on the other part

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

The Interim Agreement establishing a framework for an Economic Partnership Agreement (referred to as the 'Interim EPA') between the Eastern and Southern Africa States (ESA), on the one part, and the European Community and its Member States on the other part was signed on 29 August 2009 and has been provisionally applied since 14 May 2012.

Article 64 of the Agreement establishes an EPA Committee which shall be responsible for the administration of the Agreement and for the fulfilment of any of the tasks mentioned therein.

The EPA Committee shall be assisted in the performance of its duties by the Customs Cooperation Committee, which is established in accordance with the Article 41 of the Protocol 1 of the Agreement, and the Joint Development Committee, which is established in accordance with the Article 52 of the Agreement.

The EPA Committee shall determine the rules governing its organisation and operation as well as the Rules of Procedure for the two Sub-Committees.

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

The obligation to establish the Rules of Procedure is set up in the Interim EPA. All Parties to the Agreement were consulted and the text of the Rules of Procedure was agreed and endorsed ad referendum with the four Signatory ESA States (Madagascar, Mauritius, Seychelles and Zimbabwe) at the inaugural meeting of the EPA Committee in October 2012.

No impact assessment of the present proposal has been carried out since the present initiative does not have a direct economic, social nor environmental impact.

3. LEGAL ELEMENTS OF THE PROPOSAL

The proposal includes a draft Council Decision based on Article 218(9) of the Treaty on the Functioning of the European Union to establish a European Union position. Similar decisions have been adopted in the past to adopt the procedural rules of EPAs.

This Council Decision includes as an annex a draft Decision to be taken by the EPA Committee in 2013. The latter includes 3 annexes that cover, respectively, the rules of procedure of the EPA Committee, of the Customs Cooperation Committee, of the Joint Development Committee. All these rules were agreed and endorsed ad referendum with the four Signatory ESA States at the inaugural meeting of the EPA Committee in October 2012.

4. BUDGETARY IMPLICATION

Limited to administrative expenditure.

Proposal for a

COUNCIL DECISION

on a European Union Position concerning the Rules of Procedure of the EPA Committee, the Customs Cooperation Committee and the Joint Development Committee provided for by the Interim Agreement establishing a framework for an Economic Partnership Agreement between the Eastern and Southern Africa States, on the one part, and the European Community and its Member States, on the other part

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty of the European Union and the Treaty on the Functioning of the European Union, and in particular Articles 207 and 209 in conjunction with Article 218(9) thereof,

Having regard to the Council Decision on signature and provisional application of the Interim Agreement establishing a framework for an Economic Partnership Agreement between the Eastern and Southern Africa States, on the one part, and the European Community and its Member States, on the other part¹,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Interim Agreement establishing a framework for an Economic Partnership Agreement between the Eastern and Southern Africa States, on the one part, and the European Community and its Member States, on the other part was signed on 29 August 2009 and is provisionally applied since 14 May 2012.
- (2) Article 64 of the said Agreement establishes an EPA Committee, which shall be responsible for the administration of the Agreement and for the fulfilment of any of the tasks mentioned therein.
- (3) Article 64 provides that the EPA Committee shall determine the rules governing its organisation and operation.
- (4) The EPA Committee shall be assisted in the performance of its duties by the Customs Cooperation Committee, which is established in accordance with Article 41 of the Protocol 1 of the Agreement, and the Joint Development Committee, which is established in accordance with Article 52 of the Interim Agreement.

¹ OJ L 111, 24.4.2012, p. 1.

- (5) The European Union should determine the position to be taken with regard to the adoption of the Rules of Procedure for the EPA Committee and the two Sub-Committees established under the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The position of the European Union in view of the adoption of a decision of the EPA Committee provided for by the Interim Agreement establishing a framework for an Economic Partnership Agreement between the Eastern and Southern Africa States, on the one part, and the European Community and its Member States, on the other part, on its Rules of Procedure shall be based on the draft decision of the EPA Committee annexed to this Decision.

Minor changes to the draft Decision may be agreed to without further decision of the Commission or Council.

Article 2

After its adoption, the Decision of the EPA Committee shall be published in the Official Journal of the European Union.

Article 3

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

Done at Brussels,

*For the Council
The President*

ANNEX

DECISION No .../2013

OF THE EPA COMMITTEE

set up by the Interim Agreement establishing a framework for an Economic Partnership Agreement between the Eastern and Southern Africa States, on the one part, and the European Community and its Member States, on the other part concerning the adoption of the Rules of Procedure of the EPA Committee, the Customs Cooperation Committee and the Joint Development Committee

THE EPA COMMITTEE,

Having regard to the Interim Agreement establishing a framework for an Economic Partnership Agreement between the Eastern and Southern Africa States, on the one part, and the European Community and its Member States, on the other part (hereinafter referred to as the “Agreement”), signed in Grand Baie on 29 August 2009 and provisionally applied since 14 May 2012, and in particular Article 64 thereof,

Whereas:

- (1) The Agreement provides that the EPA Committee shall determine the rules governing its organisation and operation,
- (2) The EPA Committee shall be assisted in the performance of its duties by the Customs Cooperation Committee, which is established in accordance with Article 41 of the Protocol 1 of the Agreement, and the Joint Development Committee, which is established in accordance with Article 52 of the Interim Agreement.

HAS DECIDED AS FOLLOWS:

Article 1

1. The Rules of Procedure of the EPA Committee are established as set out in Annex I, the Rules of Procedure of the Customs Cooperation Committee in Annex II and the Rules of Procedure of the Joint Development Committee in Annex III.
2. These Rules are without prejudice to any special rules provided for in the Agreement or which may be decided by the EPA Committee.

Article 2

This Decision shall enter into force on

Done at (place), on (date).

ANNEX I

RULES OF PROCEDURE OF THE EPA COMMITTEE

set up by the Interim Agreement establishing a framework for an Economic Partnership Agreement between the Eastern and Southern Africa States, on the one part, and the European Community and its Member States, on the other part

Article 1

Scope of application

The Rules of Procedure in this Annex shall apply to the proceedings of any of the meetings of the EPA Committee.

Article 2

Composition and Chair

1. The EPA Committee is composed, on the one hand, of representatives of the EU Party and, on the other of representatives of Signatory States from the Eastern and Southern Africa ("Signatory ESA States")², at ministerial or senior official level.
2. Reference to "the Parties" in the Rules of Procedure is in accordance with the definition provided for in Article 61 of the Agreement.
3. The EPA Committee at ministerial level shall be co-chaired by a representative of the European Union and by a representative of the ESA States. The EPA Committee at senior official level shall be co-chaired by the senior officials of the European Commission, on behalf of the EU Party, and by the representatives of the Signatory ESA States, normally at senior official level. The Signatory ESA States will assume chairmanship on a yearly rotating basis.

Article 3

Observers

1. Representatives of the Common Market for Eastern and Southern Africa (COMESA) and the representatives of the Indian Ocean Commission (IOC) shall be invited to participate in the EPA Committee meetings as observers.
2. The Secretary of the EPA Committee shall notify representatives of COMESA and the IOC of any meeting of the EPA Committee so that they may participate as observers.
3. The Parties may collectively decide to invite additional observers on an ad hoc basis. Such observers may participate at the meeting, upon invitation of a Co-chairman and approval of the EPA Committee.

² Madagascar, Mauritius, Seychelles and Zimbabwe.

4. The EPA Committee may determine that any part of meetings involving sensitive matters may be closed to observers.

Article 4

Meetings

1. The EPA Committee shall meet once a year or when circumstances so require, if the Parties so agree. If both Parties agree, the meetings of the EPA Committee may be held by a video or teleconference. In such case each Party will bear its respective cost associated with holding the meeting by such means, unless agreed otherwise.
2. Each session of the EPA Committee shall be held at a date and place agreed by both Parties.
3. The meetings of the EPA Committee shall be convened by the Secretary of the EPA Committee.

Article 5

Delegations

Before each meeting, the Co-chairs of the EPA Committee shall be informed of the intended composition of the delegations of ESA States and of the EU Party.

Article 6

Secretariat

1. Officials of the European Commission and of the Signatory ESA States shall act alternately for periods of twelve months as Secretary of the EPA Committee. The Signatory ESA State may be assisted by the COMESA Secretariat.
2. The first period shall begin on the date of the first meeting of the EPA Committee of the Agreement and end on 31 December of the following year. The Secretariat of the EPA Committee shall be held first by a representative of the European Commission. The Signatory ESA States will assume the Secretariat on a rotating basis.

Article 7

Documents

Where the deliberations of the EPA Committee are based on written supporting documents, such documents shall be numbered and circulated as documents of the EPA Committee by the Secretary at least 14 days before the beginning of the meeting.

Article 8

Correspondence

1. All correspondence addressed to the EPA Committee shall be directed to the Secretary of the EPA Committee.
2. The Secretary shall ensure that correspondence addressed to the EPA Committee is forwarded to the Co-chairs of the Committee and circulated, where appropriate as documents referred to in Article 7 of these Rules of Procedure.
3. Correspondence from the Co-chairs of the EPA Committee shall be sent to the Parties by the Secretary and circulated where appropriate as documents referred to in Article 7 of these Rules of Procedure.

Article 9

Agenda for the meetings

1. A provisional annotated agenda for each meeting shall be drawn up by the Secretary of the EPA Committee on the basis of proposals made by the Parties. It shall be forwarded by the Secretary of the EPA Committee to Parties no later than three weeks before the beginning of the meeting.
2. The provisional annotated agenda shall include the items for which a request for inclusion in the agenda has been received by the Secretary no later than one month before the beginning of the meeting, although such items will not be included in the provisional agenda unless the relevant supporting documents have been received by the Secretary no later than the date of dispatch of the provisional agenda.
3. The agenda shall be adopted by the EPA Committee at the beginning of each meeting. An item other than those appearing on the provisional agenda may be placed on the agenda if the Parties so agree.
4. The Co-chairs of the EPA Committee, in agreement with the Parties, may invite experts to attend its meetings in order to provide information on specific subjects.
5. With the agreement of the Parties, the Secretary may abridge the time limit specified in paragraph 1 in order to take account of the requirements of a particular case.

Article 10

Minutes

1. Draft minutes of each meeting shall be drawn up by the Secretary as soon as possible, normally within a month of the meeting.
2. The minutes shall, as a general rule, summarise each item on the agenda, specifying where applicable:
 - (a) all documents submitted to the EPA Committee,
 - (b) any statement that a member of the EPA Committee has asked to be entered,

- (c) the decisions taken, recommendations made, statements agreed upon and conclusions adopted on specific items.
3. The minutes shall also include a list of participants to the EPA Committee and a list of any observers to the meeting.
4. Approval of the minutes shall be confirmed in writing within two months of the date of the meeting by ESA signatory states and the EU. Once approved, the minutes shall be signed by the Secretary. Each Signatory ESA State and the EU Party shall receive one original of these authentic documents.

Article 11

Decisions and Recommendations

1. The EPA Committee shall adopt decisions and recommendations by consensus.
2. The EPA Committee may decide to submit any general matter of an all ACP-EU interest arising under the Agreement to the ACP-EU Council of Ministers as defined in Article 15 of the Cotonou Agreement.
3. In the period between meetings, the EPA Committee may adopt decisions by written procedure if both Parties so agree. A written procedure shall consist of an exchange of notes between the Parties.
4. Decisions and recommendations of the EPA Committee shall be entitled "Decision" or "Recommendation" respectively, and followed by a serial number, the date of their adoption and a description of their subject. Each decision shall provide for the date of its entry into force.
5. Decisions adopted by the EPA Committee shall be authenticated by a representative of the European Commission on behalf of the EU Party, and by a representative of ESA States.
6. Decisions and recommendations shall be forwarded to the Parties as documents of the EPA Committee.

Article 12

Publicity

1. Unless otherwise decided, meetings of the EPA Committee shall not be public.
2. Each Party may decide on the publication of the decisions or recommendations of the EPA Committee in its respective official publication.

Article 13

Languages

1. The working languages of the EPA Committee shall be the official languages common to the Parties, English and French.
2. The EPA Committee shall base its deliberations and adopt decisions on documentation and proposals prepared as far as possible in both languages referred to in paragraph 1. Decisions and recommendations will be provided in both languages referred to in paragraph 1.

Article 14

Expenses

1. Each Party shall meet any expenses it incurs as a result of participating in the meetings of the EPA Committee, both with regard to staff, travel and subsistence expenditure and with regard to postal and telecommunications expenditure.
2. Expenditure in connection with the organisation of meetings and reproduction of documents shall be borne by the Party hosting the meeting.
3. Expenditure in connection with the provision of interpretation services at meetings and translation of documents shall be borne by the Party hosting the meeting. Expenditure associated with the provision of interpretation services and translation of documents into or from other official languages of the European Union shall be borne by the EU Party.

Article 15

Amendment of Rules of Procedure

The Rules of Procedure may be amended according to the provisions of paragraph 1 of Article 11.

ANNEX II

RULES OF PROCEDURE OF THE CUSTOMS COOPERATION COMMITTEE

set up by the Interim Agreement establishing a framework for an Economic Partnership Agreement between the Eastern and Southern Africa States, on the one part, and the European Community and its Member States, on the other part

Article 1

Scope of application

The Rules of Procedure in this Annex shall apply to the proceedings of any of the meetings of the Customs Cooperation Committee.

Article 2

Role of the Customs Cooperation Committee

The Customs Cooperation Committee will be established in accordance with Article 41 of the Protocol 1 of the Agreement. It shall also deal with all matters delegated to them by the EPA Committee.

Article 3

Composition and Chair

1. The Customs Cooperation Committee is composed, on the one hand, of representatives of the EU Party and, on the other of representatives of the Signatory ESA States³.
2. Reference to "the Parties" in the Rules of Procedure is in accordance with the definition provided for in Article 61 of the Agreement.
3. The Customs Cooperation Committee shall be co-chaired by a representative of the European Commission and by a representative of the ESA States. The Signatory ESA States will assume the chairmanship on a yearly rotating basis.

Article 4

Observers

1. Representatives of the Common Market for Eastern and Southern Africa (COMESA) and the representatives of the Indian Ocean Commission (IOC) shall be invited to participate in the Customs Cooperation Committee meetings as observers.
2. The Secretary of the Customs Cooperation Committee shall notify representatives of COMESA and the IOC of any meeting of the Customs Cooperation Committee so that they may participate as observers.

³ Madagascar, Mauritius, Seychelles and Zimbabwe.

3. The Parties may collectively decide to invite additional observers on an ad hoc basis. Such observers may participate at the meeting, upon invitation of one of the Co-chairmen and approval of the Customs Cooperation Committee.
4. The Customs Cooperation Committee may determine that any part of meetings involving sensitive matters may be closed to observers.

Article 5

Meetings

1. Unless otherwise specified in the Agreement, the Customs Cooperation Committee shall meet upon request of either Party. If both Parties agree, the meetings of a Customs Cooperation Committee may be held by a video or teleconference. In such case each Party will bear its respective cost associated with holding the meeting by such means, unless agreed otherwise.
2. Each session of the Customs Cooperation Committee shall be held at a date and place agreed by both Parties.
3. The meetings of the Customs Cooperation Committee shall be convened by the Secretary of the Customs Cooperation Committee.

Article 6

Delegations

Before each meeting, the Co-chairs of the Customs Cooperation Committee shall be informed of the intended composition of the delegations of the ESA States and of the European Union.

Article 7

Secretariat

Officials of the European Commission and of the ESA States shall act alternately for periods of twelve months as a Secretary of the Customs Cooperation Committee. The Signatory ESA State may be assisted by the COMESA Secretariat. These periods shall coincide with the holding of the Secretariat of the EPA Committee by respectively the European Union and the ESA States. The Signatory ESA States will assume the Secretariat on a rotating basis.

Article 8

Documents

Where the deliberations of the Customs Cooperation Committee are based on written supporting documents, such documents shall be numbered and circulated as documents of the Customs Cooperation Committee by the Secretary at least 14 days before the beginning of the meeting.

Article 9

Correspondence

1. All correspondence addressed to the Customs Cooperation Committee shall be directed to the Secretary of the Customs Cooperation Committee.
2. The Secretary shall ensure that correspondence addressed to the Customs Cooperation Committee is forwarded to the Co-chairs of the Committee and circulated, where appropriate as documents referred to in Article 8 of these Rules of Procedure.
3. Correspondence from the Co-chairs of the Customs Cooperation Committee shall be sent to the Parties by the Secretary and circulated where appropriate as documents referred to in Article 8 of these Rules of Procedure.

Article 10

Agenda for the meetings

1. A provisional annotated agenda for each meeting shall be drawn up by the Secretary of the Customs Cooperation Committee on the basis of proposals made by the Parties. It shall be forwarded by the Secretary of the Customs Cooperation Committee to Parties no later than three weeks before the beginning of the meeting.
2. The provisional annotated agenda shall include the items for which a request for inclusion in the agenda has been received by the Secretary no later than one month before the beginning of the meeting, although such items will not be included in the provisional agenda unless the relevant supporting documents have been received by the Secretary no later than the date of dispatch of the provisional agenda.
3. The agenda shall be adopted by the Customs Cooperation Committee at the beginning of each meeting. An item other than those appearing on the provisional agenda may be placed on the agenda if the Parties so agree.
4. The Co-chairs of the Customs Cooperation Committee, in agreement with the Parties, may invite experts to attend its meetings in order to provide information on specific subjects.
5. With the agreement of the Parties, the Secretary may abridge the time limit specified in paragraph 1 in order to take account of the requirements of a particular case.

Article 11

Minutes

1. Draft minutes of each meeting shall be drawn up by the Secretary as soon as possible, normally within a month of the meeting.
2. The minutes shall, as a general rule, summarise each item on the agenda, specifying where applicable:

- (a) all documents submitted to the Customs Cooperation Committee,
 - (b) any statement that a member of the Customs Cooperation Committee has asked to be entered,
 - (c) the decisions taken, recommendations made, statements agreed upon and conclusions adopted on specific items.
3. The minutes shall also include a list of participants to the Customs Cooperation Committee and any observers to the meeting.
4. Approval of the minutes shall be confirmed in writing within two months of the date of the meeting by ESA signatory states and the EU. Once approved, the minutes shall be signed by the Secretary. Each Signatory ESA State and the EU Party shall receive one original of these authentic documents.

Article 12

Decisions and recommendations

1. The Customs Cooperation Committee shall adopt decisions and recommendations by consensus.
2. In the period between meetings, the Customs Cooperation Committee may adopt decisions and recommendations by written procedure if both Parties so agree. A written procedure shall consist of an exchange of notes between the Parties.
3. Decisions or recommendations of the Customs Cooperation Committee shall be entitled "Decision" or "Recommendation" respectively, and followed by a serial number, the date of their adoption and a description of their subject. Each decision shall provide for the date of its entry into force.
4. Decisions and recommendations adopted by the Customs Cooperation Committee shall be authenticated by a representative of the European Commission on behalf of the EU Party, and by a representative of ESA States.
5. Decisions and recommendations shall be forwarded to the Parties and to the EPA Committee as documents of the Customs Cooperation Committee.

Article 13

Publicity

1. Unless otherwise decided, meetings of the Customs Cooperation Committee shall not be public.
2. Each Party may decide on the publication of the decisions and recommendations of the Customs Cooperation Committee in its respective official publication.

Article 14

Languages

1. The working languages of the Customs Cooperation Committee shall be the official languages common to the Parties, English and French.
2. The Customs Cooperation Committee shall base its deliberations and adopt decisions on documentation and proposals prepared as far as possible in both languages referred to in paragraph 1. Decisions and recommendations will be provided in both languages referred to in paragraph 1.

Article 15

Expenses

1. Each Party shall meet any expenses it incurs as a result of participating in the meetings of the Customs Cooperation Committee, both with regard to staff, travel and subsistence expenditure and with regard to postal and telecommunications expenditure.
2. Expenditure in connection with the organisation of meetings and reproduction of documents shall be borne by the Party hosting the meeting.
3. Expenditure in connection with the provision of interpretation services at meetings and translation of documents shall be borne by the Party hosting the meeting. Expenditure associated with the provision of interpretation services and translation of documents into or from other official languages of the European Union shall be borne by the EU Party.

Article 16

Reporting

The Customs Cooperation Committee shall be reporting to the EPA Committee.

Article 17

Amendment of Rules of Procedure

The Rules of Procedure may be amended by the EPA Committee. The Customs Cooperation Committee may submit recommendations to the EPA Committee proposing changes to the Rules of Procedure.

ANNEX III

RULES OF PROCEDURE OF THE JOINT DEVELOPMENT COMMITTEE

set up by the Interim Agreement establishing a framework for an Economic Partnership Agreement between the Eastern and Southern Africa States, on the one part, and the European Community and its Member States, on the other part

Article 1

Scope of application

The Rules of Procedure in this Annex shall apply to the proceedings of any of the meetings of the Joint Development Committee.

Article 2

Role of the Joint Development Committee

The Joint Development Committee is established as a sub-committee of the EPA Committee. In accordance with Article 52 of the Interim Agreement, it shall discuss development cooperation issues linked to the implementation of the Interim Agreement.

Article 3

Composition and Chair

1. The Joint Development Committee is composed, on the one hand, of representatives of the EU party and, on the other of representatives of ESA States.
2. Reference to "the Parties" in the Rules of Procedure is in accordance with the definition provided for in Article 61 of the Agreement.
3. The Joint Development Committee shall be co-chaired by a representative of the European Commission and by a representative of the ESA States. The Signatory ESA States will assume the chairmanship on a yearly rotating basis.

Article 4

Observers

1. Representatives of the Common Market for Eastern and Southern Africa (COMESA) and the representatives of the Indian Ocean Commission (IOC) shall be invited to participate in the Joint Development Committee meetings as observers.
2. The Secretary of the Joint Development Committee shall notify representatives of COMESA and the IOC of any meeting of the Joint Development Committee so that they may participate as observers.

3. The Parties may collectively decide to invite additional observers on an ad hoc basis. Such observers may participate at the meeting, upon invitation of the Co-chairmen and approval of the Joint Development Committee.
4. The Joint Development Committee may determine that any portion of meetings involving sensitive matters may be closed to observers.

Article 5

Meetings

1. Unless otherwise specified in the Agreement, the Joint Development Committee shall meet upon request of either Party. If both Parties agree, the meetings of the Joint Development Committee may be held by a video or teleconference. In such case each Party will bear its respective cost associated with holding the meeting by such means, unless agreed otherwise.
2. Each session of the Joint Development Committee shall be held at a date and place agreed by both Parties.
3. The meetings of the Joint Development Committee shall be convened by the Secretary of the Joint Development Committee.

Article 6

Delegations

Before each meeting, the Co-chairs of the Joint Development Committee shall be informed of the intended composition of the delegations of the ESA States and of the European Union.

Article 7

Secretariat

Officials of the European Commission and of the ESA States shall act alternately for periods of twelve months as Secretary of the Joint Development Committee. The Signatory ESA State may be assisted by the COMESA Secretariat. These periods shall coincide with the holding of the Secretariat of the EPA Committee by respectively the European Union and the ESA States. The Signatory ESA States will assume the Secretariat on a rotating basis.

Article 8

Documents

Where the deliberations of the Joint Development Committee are based on written supporting documents, such documents shall be numbered and circulated as documents of the Joint Development Committee by the Secretary at least 14 days before the beginning of the meeting.

Article 9

Correspondence

1. All correspondence addressed to the Joint Development Committee shall be directed to the Secretary of the Joint Development Committee.
2. The Secretary shall ensure that correspondence addressed to the Joint Development Committee is forwarded to the Co-chairs of the Committee and circulated, where appropriate as documents referred to in Article 8 of these Rules of Procedure.
3. Correspondence from the Co-chairs of the Joint Development Committee shall be sent to the Parties by the Secretary and circulated where appropriate as documents referred to in Article 8 of these Rules of Procedure.

Article 10

Agenda for the meetings

1. A provisional agenda for each meeting shall be drawn up by the Secretary of the Joint Development Committee on the basis of proposals made by the Parties. It shall be forwarded by the Secretary of the Joint Development Committee to Parties no later than three weeks before the beginning of the meeting.
2. The provisional agenda shall include the items for which a request for inclusion in the agenda has been received by the Secretary no later than one month before the beginning of the meeting, although such items will not be included in the provisional agenda unless the relevant supporting documents have been received by the Secretary no later than the date of dispatch of the provisional agenda.
3. The agenda shall be adopted by the Joint Development Committee at the beginning of each meeting. An item other than those appearing on the provisional agenda may be placed on the agenda if the Parties so agree.
4. The Co-chair of the Joint Development Committee, in agreement with the Parties, may invite experts to attend its meetings in order to provide information on specific subjects.
5. With the agreement of the Parties, the Secretary may abridge the time limit specified in paragraph 1 in order to take account of the requirements of a particular case.

Article 11

Minutes

1. Draft minutes of each meeting shall be drawn up by the Secretary as soon as possible, normally within a month of the meeting.
2. The minutes shall, as a general rule, summarise each item on the agenda, specifying where applicable:

- (a) all documents submitted to the Joint Development Committee,
 - (b) any statement that a member of the Joint Development Committee has asked to be entered,
 - (c) the decisions taken, recommendations made, statements agreed upon and conclusions adopted on specific items.
3. The minutes shall also include a list of participants to the Joint Development Committee and a list of any observers to the meeting.
4. Approval of the minutes shall be confirmed in writing within two months of the date of the meeting by ESA signatory states and the EU. Once approved, the minutes shall be signed by the Secretary. Each Signatory ESA State and the EU Party shall receive one original of these authentic documents.

Article 12

Recommendations

1. The Joint Development Committee shall adopt recommendations by consensus.
2. In the period between meetings, the Joint Development Committee may adopt recommendations by written procedure if both Parties so agree. A written procedure shall consist of an exchange of notes between the Parties.
3. Recommendations of the Joint Development Committee shall be entitled "Recommendation" and followed by a serial number, the date of their adoption and a description of their subject.
4. Recommendations adopted by the Joint Development Committee shall be authenticated by a representative of the European Commission on behalf of the EU Party, and by a representative of ESA States.
5. Recommendations shall be forwarded to the Parties as documents of the Joint Development Committee and shall be submitted to the EPA Committee for consideration.

Article 13

Publicity

Unless otherwise decided, meetings of the Joint Development Committee shall not be public.

Article 14

Languages

1. The working languages of the Joint Development Committee shall be the official languages common to the Parties, English and French.

2. The Joint Development Committee shall base its deliberations and make recommendations on documentation and proposals prepared as far as possible in both languages referred to in paragraph 1. Recommendations will be provided in both languages referred to in paragraph 1.

Article 15

Expenses

1. Each Party shall meet any expenses it incurs as a result of participating in the meetings of the Joint Development Committee, both with regard to staff, travel and subsistence expenditure and with regard to postal and telecommunications expenditure.
2. Expenditure in connection with the organisation of meetings and reproduction of documents shall be borne by the Party hosting the meeting.
3. Expenditure in connection with the provision of interpretation services at meetings and translation of documents shall be borne by the Party hosting the meeting. Expenditure associated with the provision of interpretation services and translation of documents into or from other official languages of the European Union shall be borne by the EU Party.

Article 16

Reporting

The Joint Development Committee s shall be reporting to the EPA Committee.

Article 17

Amendment of Rules of Procedure

The Rules of Procedure may be amended by the EPA Committee. The Joint Development Committee may submit recommendations to the EPA Committee proposing changes to the Rules of Procedure.

SIMPLIFIED FINANCIAL STATEMENT

(to be used for any internal Commission decision of general significance with a budgetary impact on appropriations of an administrative nature or on human resources, when use of any other type of financial statement is not appropriate – Article 23 of the Internal Rules)

1. Title of draft decision:

Council Decision on a European Union Position concerning the Rules of Procedure of the EPA Committee, the Customs Cooperation Committee and the Joint Development Committee provided for by the Interim Agreement establishing a framework for an Economic Partnership Agreement between the Eastern and Southern Africa States, on the one part, and the European Community and its Member States, on the other part

2. Policy area(s) and ABB activity(ies) concerned:

20 - Trade Policy

3. Legal basis:

Administrative autonomy Other (specify): _____

4. Description and grounds:

The decision relates to meetings and functioning of institutions to be established under the Interim EPA. Meetings of the institutions are set up with a view to follow up on implementation of the Agreement.

5. Duration and estimated financial impact:

5.1. Period of application:

Decision with a limited duration: decision in force from [date] to [date]

Decision with an indefinite duration: in force from [date of adoption of this decision]

5.2. Estimated budgetary impact:

The draft decision entails:

savings

additional costs (if so, specify the heading(s) of the multiannual financial framework concerned): Heading 5 – administrative expenditure

5.3. Third-party contributions to the financing of the draft decision:

If the proposal provides for co-financing by Member States or other bodies (please specify which), you should give an estimate of the level of co-financing, if known.

appropriations in EUR million (to 3 decimal places)

	Year n	Year n+1	Year n+2	Year n+3	Year n+4	Year n+5	Year n+6	Total
Specify cofinancing source/body								
TOTAL appropriations cofinanced								

5.4. Explanation of figures:

Average staff costs are shown at the foot of page http://www.cc.cec/budg/pre/legalbasis/pre-040-020_preparation_en.html

6. Compatibility with the current multiannual financial framework:

- The proposal is compatible with existing financial programming.
- The proposal will entail reprogramming of the relevant heading in the multiannual financial framework.
- The proposal requires use of the flexibility instrument or revision of the multiannual financial framework⁴.

7. Impact of savings or additional costs on the allocation of resources:

- Resources to be obtained by means of internal redeployment within departments
- Resources already allocated to the department(s) concerned
- Resources to be requested during the next allocation procedure

The human and administrative resources required will be covered by the allocation which may be granted to the managing DG under the annual allocation procedure in the light of existing budgetary constraints.

⁴ See points 19 and 24 of the Interinstitutional Agreement.

ANNEX:

ESTIMATED FINANCIAL IMPACT (savings or additional costs) FOR APPROPRIATIONS OF AN ADMINISTRATIVE NATURE OR FOR HUMAN RESOURCES

FTE=Full-time equivalent

XX is the policy area or title concerned

EUR million (to three decimal places)										
FTE in persons/year	Year n	Year n+1	Year n+2	Year n+3	Year n+4	Year n+5	Year n+6	TOTAL /Annual cost		
Heading 5	FTE	approp.	FTE	approp.	FTE	approp.	FTE	approp.	FTE	approp.
Establishment plan posts (officials and/or temporary staff)										
XX 01 01 01 (Headquarters and Commission's Representation Offices)	0.2	0.03	0.2	0.03	0.2	0.03	0.2	0.03	0.2	0.21
XX 01 01 02 (Delegations)										
External staff										
XX 01 02 01 ('global envelope')										
XX 01 02 02 (Delegations)										
Other budget lines (specify)										
Subtotal – Heading 5	0.2	0.03	0.2	0.03	0.2	0.03	0.2	0.03	0.2	0.21
Outside Heading 5										
Establishment plan posts (officials and/or temporary staff)										
XX 01 05 01 (Indirect research)										
10 01 05 01 (Direct research)										
External staff										
XX 01 04 yy										
- Headquarters										
- Delegations										

XX 01 05 02 (Indirect research)																				
10 01 05 02 (Direct research)																				
Other budget lines (specify)																				
Subtotal – Outside Heading 5																				
TOTAL	0.2	0.03	0.2	0.03	0.2	0.03	0.2	0.03	0.2	0.03	0.2	0.03	0.2	0.03	0.2	0.03	0.2	0.03	0.2	0.21

The human and administrative resources required will be covered by the allocation which may be granted to the managing DG under the annual allocation procedure in the light of existing budgetary constraints.

Other administrative appropriations

XX is the policy area or title concerned

EUR million (to three decimal places)

	Year n	Year n+1	Year n+2	Year n+3	Year n+4	Year n+5	Year n+6	TOTAL
Heading 5								
Headquarters:								
XX 01 02 11 01 - Mission and representation expenses	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.07
XX 01 02 11 02 – Conference and meeting costs	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.07
XX 01 02 11 03 – Committees								
XX 01 02 11 04 - Studies and consultations								
XX 01 03 01 03 - Equipment and furniture								
XX 01 03 01 04 - Services and other operating expenditure								
Other budget lines (specify where appropriate) – Translation services	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.07
Delegations:								
XX 01 02 12 01 – Missions, conferences and representation expenses								
XX 01 02 12 02 - Further training of staff								
XX 01 03 02 01 – Acquisition, renting and related expenditure								
XX 01 03 02 02 Equipment, furniture, supplies and services								
Subtotal – Heading 5	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.21
Outside Heading 5								
XX 01 04 yy - Expenditure on technical and administrative assistance (not including external								

staff) from operational appropriations (former "BA" lines)																				
- Headquarters																				
- Delegations																				
XX 01 05 03 - Other management expenditure for indirect research																				
10 01 05 03 - Other management expenditure for direct research																				
Other budget lines (specify where appropriate)																				
Subtotal – Outside Heading 5																				
GRAND TOTAL																				
	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.21

The human and administrative resources required will be covered by the allocation which may be granted to the managing DG under the annual allocation procedure in the light of existing budgetary constraints.