



**COUNCIL OF  
THE EUROPEAN UNION**

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**ACP 146**

**LEGISLATIVE ACTS AND OTHER INSTRUMENTS**

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Subject: COUNCIL DECISION on the position to be adopted, on behalf of the European Union, within the ACP-EU Committee of Ambassadors concerning the statutes of the Technical Centre for Agricultural and Rural Cooperation (CTA)

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**COUNCIL DECISION No .../2013/EU**

**of**

**on the position to be adopted, on behalf of the European Union,  
within the ACP-EU Committee of Ambassadors concerning  
the statutes of the Technical Centre  
for Agricultural and Rural Cooperation (CTA)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 208, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The second revision of 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<sup>1</sup>, as first amended in Luxembourg on 25 June 2005<sup>2</sup> and amended for the second time in Ouagadougou on 22 June 2010<sup>3</sup> ('the ACP-EU Agreement'), has amended Annex III thereto in order to review the mission given to the Technical Centre for Agricultural and Rural Cooperation (CTA) and also to clarify and reinforce the governance of this organism, in particular the supervision by the Committee of Ambassadors and the responsibilities of the Executive Board.

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<sup>1</sup> OJ L 317, 15.12.2000, p. 3.

<sup>2</sup> 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).

<sup>3</sup> 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).

- (2) Decision No 2/2010 of 21 June 2010 of the ACP-EU Council of Ministers<sup>1</sup> provides for the provisional application of the second amendment of the ACP-EU Agreement, as from 31 October 2010.
- (3) The statutes of the Technical Centre for Agricultural and Rural Cooperation (CTA) (hereinafter referred to as 'the Centre') should be amended accordingly.
- (4) As a consequence, the position to be adopted on the Union's behalf within the ACP-EU Committee of Ambassadors concerning the statutes of the Technical Centre for Agricultural and Rural Cooperation should be established, on the basis of the attached draft Decision,

HAS ADOPTED THIS DECISION:

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<sup>1</sup> Decision No 2/2010 of the ACP-EU Council of Ministers of 21 June 2010 on transitional measures applicable from the date of signing to the date of entry into force of the 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. 68).

*Article 1*

The position to be adopted on the Union's behalf within the ACP-EU Committee of Ambassadors on the amendment of the statutes of the Technical Centre for Agricultural and Rural Cooperation (CTA) shall be based on the draft Decision of the Committee of Ambassadors attached to this Decision.

Minor changes to the draft Decision may be agreed without a further Council Decision.

*Article 2*

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

Done at ...,

*For the Council*

*The President*

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DRAFT

**DECISION No .../2013  
OF THE ACP-EU COMMITTEE OF AMBASSADORS**

**of ...**

**on the statutes of Technical Centre  
for Agricultural and Rural Cooperation (CTA)**

THE ACP-EU COMMITTEE OF AMBASSADORS,

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 2000<sup>1</sup>, as first amended in Luxembourg on 25 June 2005<sup>2</sup> and amended for the second time in Ouagadougou on 22 June 2010<sup>3</sup> ('the ACP-EU Agreement'), and in particular Articles 3(5) and 3(6) of Annex III thereto,

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<sup>1</sup> OJ EU L 317, 15.12.2000.

<sup>2</sup> 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).

<sup>3</sup> 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).

Whereas:

- (1) The second revision of the ACP-EU Agreement has amended its Annex III to review the mission given to the Technical Centre for Agricultural and Rural Cooperation (CTA) and to clarify and reinforce the governance of this organism, in particular the supervision by the Committee of Ambassadors and the responsibilities of the Executive Board.
- (2) Decision No 2/2010 of 21 June 2010 of the ACP-EU Council of Ministers<sup>1</sup> provides for the provisional application of the second amendment of the ACP-EU Agreement as from 31 October 2010.
- (3) As a consequence, the statutes of the Technical Centre for Agricultural and Rural Cooperation (CTA) (hereinafter referred to as 'the Centre') should be amended accordingly.
- (4) Pursuant to Article 3(5) of Annex III to the ACP-EU Agreement, the Committee of Ambassadors lays down the statutes of the Centre. It is therefore appropriate for the Committee of Ambassadors to adopt a Decision to that effect,

HAS DECIDED AS FOLLOWS:

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<sup>1</sup> Decision No 2/2010 of the ACP-EU Council of Ministers of 21 June 2010 on transitional measures applicable from the date of signing to the date of entry into force of the 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. 68).

*Sole Article*

The statutes of the Technical Centre for Agricultural and Rural Cooperation (CTA) annexed to this decision are hereby adopted.

The European Union and the ACP States, shall be bound, each to the extent to which it is concerned, to take the measures necessary to implement this Decision.

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

*For the ACP-EU  
Committee of Ambassadors  
The Chairman*

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## ANNEX

### STATUTES OF THE TECHNICAL CENTRE FOR AGRICULTURAL AND RURAL COOPERATION (CTA)

#### *Article 1*

#### *Subject*

1. The Technical Centre for Agricultural and Rural Cooperation (CTA) (hereinafter 'the Centre'), within the meaning of Annex III 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<sup>1</sup>, as first amended in Luxembourg on 25 June 2005<sup>2</sup> and amended for the second time in Ouagadougou on 22 June 2010<sup>3</sup> (hereinafter 'the ACP-EU Agreement'), shall be a joint ACP-EU technical body. It shall have legal personality and shall enjoy in all States party to the ACP-EU Agreement the most extensive legal capacity given to legal persons of the same kind under their laws.

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<sup>1</sup> OJ EU L 317, 15.12.2000, p. 3.

<sup>2</sup> 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).

<sup>3</sup> 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).

2. The staff of the Centre shall enjoy the customary privileges, immunities and facilities provided for in the second subparagraph of Article 1 of Protocol 2 on privileges and immunities of the ACP-EU Agreement and referred to in Declarations VI and VII annexed to the ACP-EU Agreement.
3. The Centre shall be a non-profit making body.
4. The headquarters of the Centre shall be situated provisionally in Wageningen in the Netherlands, with a local office in Brussels.

## *Article 2*

### *Principles and objectives*

1. The Centre shall act in accordance with the provisions and objectives of the ACP-EU Agreement. It shall pursue the objectives laid down in Article 3 of Annex III to the ACP-EU Agreement, under the supervision of the Committee of Ambassadors.
2. The Centre shall elaborate the details of its objectives in an overall strategy paper.
3. The Centre shall perform its activities in close cooperation with the institutions and other bodies referred to in the ACP-EU Agreement and the declarations annexed thereto. The Centre may, where necessary, call upon regional and international institutions, particularly those which are located in the European Union or ACP States and dealing with matters relating to agricultural and rural development.

*Article 3*  
*Financing*

1. The budget of the Centre shall be financed in accordance with the rules laid down in the ACP-EU Agreement in respect of development finance cooperation.
2. The Centre's budget may receive additional resources from other parties for the purposes of achieving the objectives set by the ACP-EU Agreement and implementing the strategy paper drawn up by the Centre.

*Article 4*  
*Committee of Ambassadors*

1. The Committee of Ambassadors shall be the supervisory authority of the Centre in accordance with Article 3(5) of Annex III to the ACP-EU Agreement. It shall appoint the members of the Executive Board and the Director of the Centre on a proposal from the Executive Board. It shall monitor the overall strategy of the Centre and supervise the work of the Executive Board.
2. The Committee of Ambassadors shall give a discharge to the Director in respect of the implementation of the budget. In order to grant the discharge, the Committee of Ambassadors shall receive a recommendation from the Executive Board, based on the examination of the annual financial statements and the opinion expressed by the Auditor, together with the replies given by the Director.

3. The Committee of Ambassadors may review and modify at any time the decisions taken by the Centre. It shall be regularly informed by the Executive Board and, upon request of the Committee of Ambassadors, also by the Director of the Centre.

#### *Article 5*

##### *Executive Board*

1. The Executive Board shall be set up to support, monitor and control the technical, administrative and financial aspects of all the Centre's activities.
2. The Executive Board shall be composed on a parity basis of six members in total, three ACP nationals and three European Union nationals, who are selected by the parties to the ACP-EU Agreement and appointed by the Committee of Ambassadors on the basis of their professional qualifications in the fields of agriculture and rural development and/or information and communication policies, science, management and technology.
3. In order to ensure the operational continuity of the Executive Board, the Committee of Ambassadors shall endeavour not to replace all the members of the Executive Board within the same calendar year.
4. The members of the Executive Board shall be appointed by the Committee of Ambassadors in accordance with the procedures laid down by the Committee for a period of up to five years, subject to a mid-term review.

5. The Executive Board shall hold three ordinary meetings a year. It may also hold extraordinary meetings whenever necessary in order to perform its duties, at the request of the Committee of Ambassadors, or at the request of the Chairperson of the Executive Board or at the request of the Director. The Centre shall act as secretariat to the Executive Board.
6. The members of the Executive Board shall carry out their tasks independently, shall not seek or take any instructions from third parties and shall act solely in the interests of the Centre. The position of member of the Executive Board shall be incompatible with any other activity remunerated by the Centre.
7. The members of the Executive Board shall elect a Chairperson and a Vice-Chairperson among themselves for a period of up to five years in accordance with the provisions laid down in its Rules of Procedure. The position of Chairperson shall be filled by a national of the party (ACP or European Union) other than the one holding the position of Director of the Centre. The position of Vice-Chairperson shall be filled by a national of the party other than the one holding the position of Chairperson.
8. Meetings of the Executive Board shall be attended by observers from the European Commission, the General Secretariat of the Council of the European Union and the Secretariat of the ACP States.
9. The Executive Board may invite other members of the Centre's management and staff and/or external experts to advise on specific questions.

10. The Executive Board shall take its decisions by a simple majority of the members present or represented, in accordance with its Rules of Procedure. Each member of the Executive Board shall have one vote. In the case of a split vote, the Chairperson shall have the casting vote.
11. Minutes shall be drawn up after each meeting. Discussions in the Executive Board shall be confidential.
12. The Executive Board shall adopt its own Rules of procedure and shall submit them to the Committee of Ambassadors for information.

#### *Article 6*

##### *Tasks of the Executive Board*

1. The Executive Board shall closely monitor and supervise the Centre's activities. The Executive Board shall be accountable to the Committee of Ambassadors.
2. The Executive Board shall:
  - (a) lay down the draft financial regulations in conformity with European Development Fund (EDF) rules and these statutes and shall submit them to the Committee of Ambassadors for approval;
  - (b) lay down and approve the staff regulations and the rules of operation of the Centre in conformity with EDF rules and these statutes and shall submit them to the Committee of Ambassadors for information;

- (c) supervise the Centre's activities and ensure that its mission and the rules are properly implemented;
- (d) adopt the annual and multiannual work programmes and the budget of the Centre and submit them to the Committee of Ambassadors for information;
- (e) submit periodic reports and evaluations of the Centre's activities to the Committee of Ambassadors;
- (f) adopt the Centre's overall strategy paper and submit it to the Committee of Ambassadors for information;
- (g) approve the organisational structure, personnel policy and the organisation chart of the Centre;
- (h) assess the Director's performance and work plan on an annual basis and submit a report in that regard to the Committee of Ambassadors;
- (i) approve the recruitment of new members of staff and the renewal, extension or termination of contracts of the existing members of staff;
- (j) approve the annual financial statements, based on the examination of the audit report;
- (k) transmit the annual financial statements and audit report, together with a recommendation to the attention of the Committee of Ambassadors, in view of granting the discharge in relation to the implementation of the budget to the Director;

- (l) approve the annual reports and transmit them to the Committee of Ambassadors for verification that the Centre's activities are consistent with the objectives laid down by the ACP-EU Agreement and the overall strategy paper of the Centre;
- (m) propose the appointment of the Director of the Centre to the Committee of Ambassadors;
- (n) if necessary, propose, by means of a duly reasoned proposal, after exhausting all reconciliation and remedies and respecting the right to be heard, that the Committee of Ambassadors dismisses the Director.
- (o) propose to the Committee of Ambassadors the extension of the term of office of the Director for a second and final term based on thorough evaluation of his/her performance during the first term;
- (p) report to the Committee of Ambassadors on any important issues that arise in the course of the performance of its duties; and
- (q) report to the Committee of Ambassadors on the measures taken in the light of the observations and recommendations of the Committee of Ambassadors, accompanying its discharge decision.



3. Following a competitive tender procedure, the Executive Board shall select, from at least three bids, a firm of auditors for a period of three years. Such firm shall be a member of an internationally recognised supervisory body. The auditors selected shall examine whether the annual financial statements have been drawn up properly and in accordance with International Accounting Standards and give a true and fair overview of the financial situation of the Centre. The auditors shall also comment on the soundness of the Centre's financial management.
4. The Executive Board shall recommend to the Committee of Ambassadors to grant discharge to the Director in relation to the implementation of the budget following the audit of the Centre's annual financial statements.

*Article 7*

*Director*

1. The Centre shall be headed by a Director appointed by the Committee of Ambassadors on a proposal from the Executive Board for a period of up to five years. The Committee of Ambassadors' Co-chairs shall sign the Director's letter of appointment. Upon the recommendation of the Executive Board, on the basis of outstanding performance, the Committee of Ambassadors may under exceptional circumstances renew the appointment of the Director for a maximum period of five years. No extension shall be possible beyond this period. The approval of the second and final term shall be based on a thorough evaluation, based on verifiable performance criteria, submitted to the Committee of Ambassadors by the Executive Board.

2. The Director shall be responsible for the Centre's legal and institutional representation and for the execution of the Centre's remit and tasks.
3. The Director shall be responsible for submitting to the Executive Board for its approval:
  - (a) the Centre's overall strategy paper;
  - (b) the annual and multiannual activity/work programmes;
  - (c) the Centre's annual budget;
  - (d) the annual report, periodic reports and evaluations;
  - (e) the organisational structure, personnel policy and organisation chart of the Centre;  
and
  - (f) the recruitment of new members of staff and the renewal, extension and termination of the contracts of the existing members of staff.
4. The Director shall be responsible for the organisation and day-to-day management of the Centre. The Director shall report to the Executive Board on any implementing measures of the rules of operation of the Centre.

5. The Director shall report to the Executive Board on any major issues arising in the exercise of his/her duties, and, when necessary, shall inform the Committee of Ambassadors thereof.
  6. The Director shall present his/her annual performance management plan and report on achievements to the Executive Board for assessment and subsequent transmission to the Committee of Ambassadors.
  7. The Director shall be responsible for submitting the annual financial statements to the Executive Board for approval and transmission to the Committee of Ambassadors.
  8. The Director shall take all the appropriate steps to act on the observations and recommendations of the Committee of Ambassadors, accompanying its decision on discharge in relation to the implementation of the budget.
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