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"I/A" ITEM NOTE

From: ACP Working Party
To: Permanent Representatives Committee/Council
No. Cion doc.: 5857/16 + ADD 1 - JOIN(2016) 5
Subject: Draft Council Decision concerning the conclusion of consultations with the Republic of Burundi under Article 96 of the Cotonou Agreement
- Adoption

I. INTRODUCTION

1. Following the worsening situation in the run-up to the parliamentary and presidential elections of summer 2015 in Burundi, the political dialogue conducted in accordance with Article 8 of the Cotonou Agreement was stepped up. Political violence escalated following the announcement on 25 April 2015 of President Pierre Nkurunziza's decision to seek a third mandate.
2. The crisis has resulted in over 240 deaths and thousands of casualties and has forced over 210 000 people to seek refuge in neighbouring countries, exacerbating the risk of a spillover of the violence into the surrounding region. The situation in Burundi deteriorated even further following the parliamentary and presidential elections in June and July, and is characterised by growing violence and insecurity.

3. On 9 October 2015 the Commission sent the Council a Communication proposing to invite the authorities of Burundi to consultations under Article 96 of the ACP-EU Partnership Agreement.
4. By a letter dated 26 October 2015 the Council decided to invite the authorities of Burundi to consultations under Articles 9 and 96 of the Cotonou Agreement.
5. The consultations under Article 96 of the ACP-EU Partnership Agreement were held on 8 December 2015 in Brussels. The objective of the dialogue proposed under Article 96 of the ACP-EU Partnership Agreement was to conduct a thorough examination of the situation and to explore ways to encourage Burundi to commit to take measures within a specified time-frame in the critical areas of democracy, human rights and the rule of law, on the basis of the principles set out in the Arusha Agreement.
6. On 5 February 2016, the Commission submitted to the Council a proposal for a Council Decision concerning the conclusion of consultations with Burundi under Article 96 of the ACP-EU Partnership Agreement¹.
7. The ACP Working Party discussed the abovementioned proposal and agreed on the text of the draft Council Decision on 29 February 2016.
8. In accordance with Article 3 of the Annex to the Internal Agreement for the implementation of the ACP-EC Partnership Agreement², the Decision should be adopted by the Council acting by qualified majority.

¹ Doc. 5857/16 + ADD 1.

² Internal Agreement between the representatives of the governments of the Member States, meeting within the Council, of 18 September 2000 on measures to be taken and procedures to be followed for the implementation of the ACP-EC Partnership Agreement (OJ L 317 of 15.12.2000, p. 376), as amended by the Internal Agreement between the Representatives of the Governments of the Member States, meeting within the Council, of 2 April 2006 amending the Internal Agreement of 18 September 2000 on measures to be taken and procedures to be followed for the implementation of the ACP-EC Partnership Agreement (OJ L 247 of 9.9.2006, p. 48).

9. The Permanent Representatives Committee is invited to suggest that the Council, as an "A" item on its agenda:

- adopt the Decision as set out in document 6501/16 ACP 34 COAFR 49 CFSP/PESC 154 RELEX 139 after finalisation by the legal/linguistic experts;
- agree to send the letter attached to the Decision to the authorities of the Republic of Burundi;
- order publication of the Decision and the letter in the Official Journal of the European Union.
