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PROBA 36  
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## DÉCLASSIFICATION

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Objet: Décision du Conseil visant à autoriser la Commission à ouvrir des négociations en vue d'un accord international destiné à remplacer l'accord international sur le cacao de 2001  
- Adoption

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Les délégations trouveront ci-joint la version déclassifiée du document cité en objet.

Le texte de ce document est identique à celui de la version précédente.

# RESTREINT UE



CONSEIL DE  
L'UNION EUROPÉENNE

Bruxelles, le 8 septembre 2008

12672/08

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PROBA 36  
DEVGEN 142  
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## NOTE POINT "I/A"

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du: Groupe "Produits de base"  
en date du : 5 septembre 2008  
au : COREPER/Conseil

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n° prop. Cion: 11663/08

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Objet: Décision du Conseil visant à autoriser la Commission à ouvrir des négociations en vue d'un accord international destiné à remplacer l'accord international sur le cacao de 2001  
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1. En vertu de la décision 2002/970/CE du Conseil <sup>1</sup> du 18 novembre 2002, l'accord international sur le cacao de 2001 (ICCA, 2001) a été approuvé au nom de la Communauté européenne, vu l'article 133, en liaison avec l'article 300, paragraphe 1, du traité instituant la Communauté européenne.

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<sup>1</sup> JO L 342 du 17.12.2002, p.1.

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2. Puisque cet accord vient à expiration le 30 septembre 2008 et afin de prévoir suffisamment de temps pour des négociations sur un nouvel accord, le Conseil international du Cacao a, lors de sa 31<sup>ème</sup> session (Londres, 16-17 janvier 2007), décidé de proroger l'ICCA, 2001 jusqu'au 30 septembre 2010<sup>1</sup> et d'établir un groupe de travail pour la négociation du nouvel ICCA.
3. Le 9 juillet 2008, la Commission a transmis une recommandation au Conseil visant à autoriser la Commission à entamer des négociations portant sur un accord international destiné à remplacer l'accord international sur le café de 2001<sup>2</sup>.
4. Le 5 septembre 2008, le Groupe "Produits de base" a marqué son accord sur les directives de négociation annexées à la présente note.
5. Compte tenu de ce qui précède, le Comité des représentants permanents est invité à recommander au Conseil:
  - d'autoriser la Commission à négocier un accord international destiné à remplacer l'accord international sur le cacao de 2001,
  - de désigner le Groupe "Produits de base" pour assister la Commission dans cette tâche, étant donné que, conformément à l'article 300 du traité CE, la Commission conduit ces négociations au nom de la Communauté européenne, et
  - d'adopter les directives de négociation qui figurent en annexe.

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<sup>1</sup> Sur proposition de la Commission, le Conseil de l'UE s'est prononcé en faveur d'une telle extension (JO L 23 du 26.1.2008, p.27)

<sup>2</sup> Doc. 11663/08 RESTREINT UE - SEC(2008)2223 final.

## NEGOTIATING DIRECTIVES FOR A POSSIBLE NEW INTERNATIONAL COCOA AGREEMENT

As a general comment, the European Community (EC) considers that the current International Cocoa Agreement (ICCA) is pertinent and that it globally fulfils its objectives and mandate.

### Proposed changes

In line with other recent agreements renegotiated, the EC shall try to strengthen a number of important aspects as, in particular, the concept of sustainable development associated with an improvement of the functioning of the International Cocoa Organisation (ICCO).

With the above principles in mind, the EC's position in the negotiations will be based on the following considerations:

(1) Preamble. Should there be a general desire to introduce a preamble the EC can accept it, notably if this addition would lead to the recognition of existing difficulties in the production sector (e.g. small farmers, low productivity, pests and diseases, quality, soil exhaustion, environmental problems, etc). Reference to the potential of the ICCA to contribute to international efforts to alleviate poverty and reach the Millennium Development Goals should be also part of it.

(2) Objectives. The current objectives of ICCA 2001 are still valid. Accordingly, any changes and additions should be realistic and achievable. The main and overarching objective should remain the promotion of the international cooperation in the cocoa trade.

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*(3) Sustainability.* The concept of sustainability, based on an economic, social and environmental model has been thoroughly discussed within ICCO. The role of ICCO should be therefore, to translate the general principles into the cocoa economy. In this context, members should work collectively towards a world cocoa economy, economically viable, ecologically sound and socially acceptable and these three pillars should be mentioned in Article 39. During the renegotiation process, due consideration should be given also to the need to integrate the operative results of the Second Round Table on the sustainable world cocoa economy. The possibility that ICCO would assist Governments in cocoa producing countries to formulate national sustainable cocoa programs and policies should be also offered.

*(4) The European Community as contracting party.* The future Agreement shall reflect the current membership of the EC characterised by the sole ratification of the European Community and the absence of the Member States as single members. This situation needs, however, a better clarification accompanied by appropriate wording, in order to fully reflect the legal status of the European Community as sole member. Articles 2, 3 and 4 and all related provisions will be amended accordingly. In respect to Article 10 § 3 and 5, the EC will formulate a proposal on the basis of scenarios calculated by the ICCO Secretariat.

*(5) Institutional and procedural issues.* The EC reaffirms its wish to keep the two groups of importers and exporters unchanged. As regards organisational matters, the EC while supporting, in general, the continuation of the current structure including the frequency of meetings, attaches great importance to improving the efficiency of the Organisation. Additional bodies and committees should only be accepted provided there is a real or proven need for them, the EC being against the proliferation of bodies and committees. The same applies to conferences and Seminars.

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*(6) Executive Committee:* The EC is not opposed, in principle, to maintaining the Executive Committee with its responsibilities confined to administrative and financial matters only. Regarding the membership, the current practice of a reduced membership of ten plus ten has never been observed properly. Therefore the EC is ready to examine any constructive solution regarding the participation of members. However, one cannot exclude that a concrete proposal to abolish the Executive Committee might be tabled. If it is the case, the EC shall examine the proposal with the aim to assure, in any case a sufficient number of meeting days within the Cocoa Council. Any additional alternative solutions if not viable, transparent and democratic should be rejected.

*(7) Private sector Consultative Board (PSCB):* The EC is of the opinion that the question of a possible new composition or expansion of the PSCB should be left to its current members inviting them to come with their own internal suggestions.

*(8) Consultative board on the world cocoa economy:* Proposals either for a new composition or expansion of this institution should, in the first instance, come from its members. Nevertheless, the participation of cocoa farmers or representatives of farmers' cooperatives should be encouraged. The EC shall oppose the imposition of any membership fee as the participation to this board must be free of charge.

*(9) Studies and surveys:* Art 43 seems to respond to the requirements of a balanced Organisation dealing also with studies, surveys and projects. The EC doesn't see any need for amending the provision contained in the agreement, or for establishing priorities for actions to be undertaken by the Organisation. The EC rejects any suggestion for transforming an "International Commodity Organisation" into a body more similar to "Development Agency" or a "Study Group". Projects should represent an additional and complementary activity for the benefit of all the cocoa chain, but not the predominant task.

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*(10) Financial resources.* Excluding the mandatory contributions to the administrative budget (Art. 25), the EC reaffirms the current structure of the ICA and will consider additional funding mechanisms only on a voluntary basis. In addition, any possible new system that may infringe the balanced burden sharing among consumers and producers regarding the contributions to the Administrative Budget shall be strongly rejected.

*(11) Observers of Civil Society.* The possible acceptance of representatives of civil society as observers could be examined.

*(12) Duration and extension.* The EC could accept a future agreement of up to ten years of duration, with the possibility to assess its efficiency after five years. Possible extensions of the Agreement by (a maximum of) two further periods of three years each, could be also favourably examined.

*(13) Miscellaneous:* As usual, if necessary, the Commission reserves its right to propose amendments during the negotiation, in order to improve or integrate the present negotiating guidelines with additional elements.

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