

**ACP-EU COTONOU AGREEMENT**

---

**AFRICAN, CARIBBEAN AND  
PACIFIC GROUP OF STATES**

---

**COUNCIL OF  
THE EUROPEAN UNION**

---

**Brussels, 16 January 2018**

**ACP-UE 2101/18**

**COVER NOTE**

---

From: Secretary-General of the ACP Group of States  
To: EU Co-Secretary of the ACP-EU Council of Ministers  
Subject: Decisions, Resolutions and Declaration of the 106th session of the ACP  
Council of Ministers held in Brussels, Belgium, from 5 to 6 December 2017

---

Delegations will find attached the Decisions, Resolutions and Declaration of the 106th session of the ACP Council of Ministers held in Brussels, Belgium, from 5 to 6 December 2017.

ACP/25/027/17/mgf  
[Final version]

Brussels, 6 December 2017

**DECISIONS, RESOLUTIONS AND DECLARATION  
OF THE 106<sup>th</sup> SESSION OF THE ACP COUNCIL OF  
MINISTERS HELD IN BRUSSELS, BELGIUM,  
FROM 5<sup>th</sup> TO 6<sup>th</sup> DECEMBER 2017**

**ACP/25/027/17**

**[Final version]**

**ENG**

**DECISION No.9/CVI/17**  
**OF THE 106<sup>th</sup> SESSION OF THE ACP COUNCIL OF MINISTERS**  
**HELD IN BRUSSELS, BELGIUM, FROM 5<sup>th</sup> TO 6<sup>TH</sup> DECEMBER 2017**

**POST-COTONOU NEGOTIATIONS**

**The ACP Council of Ministers,**

- Meeting in Brussels, Belgium, from 5<sup>th</sup> to 6<sup>th</sup> December 2017,

**RECALLING** the objectives of the Georgetown Agreement, including consolidating and strengthening the solidarity of the ACP Group;

**HAVING REGARD TO** Decision No. 2/ CV/17 of the 105<sup>th</sup> Session of the ACP Council of Ministers held in Brussels, Belgium, from 3<sup>rd</sup> to 4<sup>th</sup> May 2017

**HAVING REGARD TO** Decision No.1/CIV/16 of the 104<sup>th</sup> Session of the Council of Ministers held in Brussels, Belgium, from 29<sup>th</sup> to 30<sup>th</sup> November 2016.

**HAVING REGARD TO** its discussions on the importance of the post-Cotonou negotiations and the need to afford adequate time for consideration of the issues at Ministerial level;

**HEREBY DECIDES TO:**

- 1. Instruct Committee of Ambassadors to:**
  - a. Elaborate on the draft core guiding principles for the post- Cotonou negotiations;
  - b. Engage with regional and continental organizations to take into account regional specificities in the negotiation process, based on the principles of subsidiarity, complementarity and proportionality;
  - c. Conduct a comprehensive analysis of the European Commission's preferred option (November 2016) on the nature of the ACP -EU relations post-Cotonou, and its implications for the ACP Group;

**ACP/25/027/17**

**[Final version]**

**ENG**

- d. Complete all outstanding studies related to the preparation for the post Cotonou negotiation;
2. **Convene** a Special Session of Council dedicated to discussions on the Post Cotonou negotiations, preceding the 107<sup>th</sup> Meeting of the Council of Ministers in Togo, on the 27<sup>th</sup> May 2018.

Done at Brussels, 6<sup>th</sup> December 2017

**H.E. Mr. Alioune SARR**  
**Minister of Trade, Consumer Affairs, Informal sector**  
**and SMEs of the Republic of Senegal**  
**President of ACP Council of Ministers**

**ACP/25/027/17**

**[Final version]**

**ENG**

**DECISION No.10/CVI/17**  
**OF THE 106<sup>th</sup> SESSION OF THE ACP COUNCIL OF MINISTERS**  
**HELD IN BRUSSELS, BELGIUM, FROM 5<sup>TH</sup> TO 6<sup>TH</sup> DECEMBER 2017**

**DECLARATION ADOPTED BY THE 5<sup>TH</sup> MEETING OF ACP MINISTERS**  
**IN CHARGES OF FISHERIES AND AQUACULTURE**

The ACP Council of Ministers,

- meeting in Brussels, (Belgium), from 5 to 6 December 2017

**HAVING REGARD TO** the provisions of the Georgetown Agreement, in particular section 13.3;

**HAVING REGARD TO** the provisions of the Cotonou Partnership Agreement, in particular section 23 A;

**HAVING REGARD TO** the Resolution on Fisheries adopted by the 103<sup>rd</sup> session of ACP Council of Ministers;

**HAVING EXAMINED** the outcome declaration of the 5<sup>th</sup> meeting of ACP Ministers in charge of Fisheries and Aquaculture held in Nassau, Bahamas, from 18-21 September, 2017;

**HEREBY DECIDES TO:**

1. **Endorse** the Ministerial Declaration of the 5<sup>th</sup> meeting of ACP Ministers in charge of Fisheries and Aquaculture;
2. **Further endorse**, the proposal to organise the 6<sup>th</sup> meeting of ACP Ministers in charge of Fisheries and Aquaculture in Samoa in 2019; and

**ACP/25/027/17**

**[Final version]**

**ENG**

3. **Request** the Committee of Ambassadors to accord priority to the implementation of the relevant actions in this declaration and, in consultation with the ACP Secretariat, to monitor more regularly the implementation of the ACP strategic plan of action for fisheries and aquaculture, in collaboration with the relevant international agencies and Regional Economic Communities.

Done at Brussels, 6<sup>th</sup> December 2017

**H.E. Mr. Alioune SARR**  
**Minister of Trade, Consumer Affairs, Informal sector**  
**and SMEs of the Republic of Senegal**  
**President of ACP Council of Ministers**

**ACP/25/027/17**

**[Final version]**

**ENG**

**DECISION No.11/CVI/17  
OF THE 106<sup>th</sup> SESSION OF THE ACP COUNCIL OF MINISTERS  
HELD IN BRUSSELS, BELGIUM, FROM 5<sup>th</sup> TO 6<sup>TH</sup> DECEMBER 2017**

**BREXIT PROCESS**

The ACP Council of Ministers,

- Meeting in Brussels, Belgium, from 5<sup>th</sup> to 6<sup>th</sup> December 2017,

**HAVING REGARD** to the outcome of the 20<sup>th</sup> meeting of the ACP Ministerial Trade Committee as reflected in documents ACP/61/066/17 Rev.1 and ACP/61/068/17 and Council's further exchanges thereon:

**HEREBY DECIDES TO:**

1. **Mandate** the Secretariat to urgently complete, a study on BREXIT to identify challenges and opportunities, and come up with recommendations on how to ensure that ACP States' interests are protected from any negative impact; and
2. **Instruct** the Secretary General to set up of a task force or working group at the ACP level, as appropriate, to monitor, examine and make recommendations to the ACP Group on BREXIT.

Done at Brussels, 6<sup>th</sup> December 2017

**H.E. Mr. Alioune SARR**  
**Minister of Trade, Consumer Affairs, Informal sector**  
**and SMEs of the Republic of Senegal**  
**President of ACP Council of Ministers**

**ACP/25/027/17**

**[Final version]**

**ENG**

**DECISION No.12/CVI/17**  
**OF THE 106<sup>th</sup> SESSION OF THE ACP COUNCIL OF MINISTERS**  
**HELD IN BRUSSELS, BELGIUM, FROM 5<sup>th</sup> TO 6<sup>th</sup> DECEMBER 2017**

**NON TARIFF MEASURES**

The ACP Council of Ministers,

- Meeting in Brussels, Belgium, from 5<sup>th</sup> to 6<sup>th</sup> December 2017,

**HAVING REGARD** to the outcome of the 20<sup>th</sup> meeting of the ACP Ministerial Trade Committee on non-tariff measures and Council's further exchanges thereon;

**WHEREAS** any country is entitled to establish measures to guarantee the health and safety of its consumers, animals and plants, but should ensure that the norms it adopts are compliant with the provisions of the WTO Agreement on SPS measures, and are not used as protectionist barriers

**WHEREAS** SPS and TBT issues have become key impediments for ACP States to gain market entry into the export markets, including the EU;

**SERIOUSLY CONCERNED** about the implications on ACP competent authorities and operators of the New EU Plant Health Regulation, applicable as from 13 December 2019, which require that all living plant material will only be imported into the EU if accompanied by a phytosanitary certificate;

**WHEREAS** commodities listed as high risk by December 2018 will be prohibited from entering the EU market until a pest risk assessment is conducted;

**CONCERNED** that the proposed measures will be onerous for ACP States, most of whom do not have the capacity to cope with the proposed changes;

**HEREBY DECIDES TO:**

1. **Instruct** the Secretary General and the Committee of Ambassadors to explore within the resources available under the 11<sup>th</sup> EDF to set up a programme to support ACP States to cope with the myriad of SPS, TBT and other norms and standards to enable continued and increased exports to the EU market; and

**ACP/25/027/17**

**[Final version]**

**ENG**



2. **Instruct** the President of Council to forward this decision to the European Commission, Council of the European Union and the European Parliament as well as to African Union Commission and the ACP Regional Integration Organizations.

Done at Brussels, 6<sup>th</sup> December 2017

**H.E. Mr. Alioune SARR**  
**Minister of Trade, Consumer Affairs, Informal sector**  
**and SMEs of the Republic of Senegal**  
**President of ACP Council of Ministers**

**ACP/25/027/17**

**[Final version]**

**ENG**

**DECISION No.13/CVI/17**  
**OF THE 106<sup>th</sup> SESSION OF THE ACP COUNCIL OF MINISTERS**  
**HELD IN BRUSSELS, BELGIUM, FROM 5<sup>th</sup> TO 6<sup>TH</sup> DECEMBER 2017**

**ACP-EU ECONOMIC PARTNERSHIP AGREEMENTS (EPAs)**

**The ACP Council of Ministers,**

- Meeting in Brussels, Belgium, from 5<sup>th</sup> to 6<sup>th</sup> December 2017,

**HAVING CONSIDERED** updates on the EPA process as contained in Doc ACP/061/061/17 Rev 1 and subsequent Council exchanges thereon;

**NOTING** the need for enhancing development cooperation, in particular to strengthen productive capacity and competitiveness of export value chains enabling the ACP operators to gain more from the EPA opportunities;

**HEREBY DECIDES TO:**

1. **Endorse** the position of the ACP Ministers of Trade as contained in Document ACP/61/066/17 Rev.1;
2. **Reiterate** the call on ACP States that have not done so to sign the ACP agreement on joint undertaking on administrative cooperation on customs matters, that was notified to the EU side and whose aim is to facilitate cumulation within the ACP Group;
3. **Endorse** the call for a comprehensive stock-taking of the EPA process, in the legal, trade, regional integration and development areas, to establish whether the EPA processes are consistent with the objectives and principles laid out at the commencement of the negotiations;
4. **Instruct** the Secretariat to set up of a monitoring mechanism for EPAs to support EPA implementation and ensure that the benefits accrue to EPA signatories; and

**ACP/25/027/17**

**[Final version]**

**ENG**

5. **Instruct** the President of Council to forward this decision to the European Commission, Council of the European Union and the European Parliament as well as to African Union Commission and the ACP Regional Integration Organizations.

**Done at Brussels, 6<sup>th</sup> December 2017**

**H.E. Mr. Alioune SARR**  
**Minister of Trade, Consumer Affairs, Informal sector**  
**and SMEs of the Republic of Senegal**  
**President of ACP Council of Ministers**

**ACP/25/027/17**

**[Final version]**

**ENG**

**DECISION No.14/CVI/17**  
**OF THE 106<sup>th</sup> SESSION OF THE ACP COUNCIL OF MINISTERS**  
**HELD IN BRUSSELS, BELGIUM, FROM 5<sup>th</sup> TO 6<sup>TH</sup> DECEMBER 2017**

**ENHANCING INTRA-ACP TRADE AND ECONOMIC RELATIONS**

**The ACP Council of Ministers,**

- Meeting in Brussels, Belgium, from 5<sup>th</sup> to 6<sup>th</sup> December 2017,

**HAVING CONSIDERED** the recommendations of the ACP Ministers of Trade arising from a report by UNCTAD on a proposal for a framework for intra-ACP trade and economic cooperation;

**NOTING** the ongoing process for the establishment of a Continental free trade agreement in Africa and implementation of the Caribbean single market and economy;

**HEREBY DECIDES TO:**

2. **Endorse** the practical and incremental approach of focusing on cooperation on areas that could bring immediate benefits such as dealing with non-tariff measures and trade facilitation, including logistics;
3. **Set up** an ACP wide trade information portal for access and use by ACP nationals and business. The trade portal would cover information on manufactured products, commodities, services, investment and economic best practices;
4. **Instruct** the Secretary General to pursue further work related to the design and management of the portal and in this regard, engage, the European Union, UNCTAD and/or other development cooperating partners for the realization of this goal.

**ACP/25/027/17**

**[Final version]**

**ENG**

5. **Instruct** the President of Council to forward this decision to the European Commission, Council of the European Union and the European Parliament as well as to African Union Commission and the ACP Regional Integration Organizations.

Done at Brussels, 6<sup>th</sup> December 2017

H.E. Mr. Alioune SARR  
Minister of Trade, Consumer Affairs, Informal sector  
and SMEs of the Republic of Senegal  
President of ACP Council of Ministers

ACP/25/027/17

[Final version]

ENG

**DECISION No.15/CVI/17**  
**OF THE 106<sup>th</sup> SESSION OF THE ACP COUNCIL OF MINISTERS**  
**HELD IN BRUSSELS, BELGIUM, FROM 5<sup>th</sup> TO 6<sup>TH</sup> DECEMBER 2017**

**ACP-EU TRADE RELATIONS POST-2020**

**The ACP Council of Ministers,**

- Meeting in Brussels, Belgium, from 5<sup>th</sup> to 6<sup>th</sup> December 2017,

**HAVING REGARD** to its previous decision that post 2020, three pillars would define the Group's mandate, with one pillar addressing trade, investment, industrialization and services;

**HAVING REGARD** to the preliminary exchange of views trade relations post 2020 during the 15<sup>th</sup> meeting of the Joint ACP-EU Ministerial Trade Committee held on 20 October;

**WHEREAS** the current situation where five trade regimes govern ACP-EU trade relations compared with one regime when Cotonou Agreement was concluded is untenable, and hence the need for the ACP and the EU to work together to ensure that the regional integration agenda is not undermined;

**NOTING** the ongoing process for the establishment of a Continental free trade agreement in Africa and implementation of the Caribbean single market and economy;

**HEREBY DECIDES TO:**

1. **Welcome** the assurance by the EU side that the ACP-EU relations built on trade and development cooperation will continue to play a key role in future trade relations, with Aid for Trade also being an integral part of the cooperation.
2. **Acknowledge** that the cornerstone of future trade relations will likely be the reciprocal but asymmetric Economic Partnership Agreements (EPAs) for export growth and diversification while respecting multilateral rules.

**ACP/25/027/17**

**[Final version]**

**ENG**

3. **Underscore** the need for an ACP-EU framework that would in future allow discourse on cross-cutting EPA and other bilateral trade issues and on global and multilateral trade matters;
4. **Recognize** other forms of cooperation for strengthening in future are development strategies for trade in services and other trade-related areas, especially trade and sustainable development, product standards and technical barriers to trade;
5. **Affirm** that tackling effects of globalisation and the emerging global value chains, will in future require addressing trade and development issues in a holistic manner, focusing on creating the right conditions for investment and trade growth to boost job creation and industrialization;
6. **Note** that no new EU trade policy instruments are foreseen and that the unilateral Generalised Scheme of Preferences with Everything But Arms will remain available in the same terms as with other developing countries;
7. **Instruct** the Committee of Ambassadors to take account of the information provided during the drafting of the position for the ACP-U relations post 2020; and
8. **Instruct** the President of Council to forward this decision to the African Union Commission and the ACP Regional Integration Organizations.

Done at Brussels, 6<sup>th</sup> December 2017

H.E. Mr. Alioune SARR  
Minister of Trade, Consumer Affairs, Informal sector  
and SMEs of the Republic of Senegal  
President of ACP Council of Ministers

ACP/25/027/17

[Final version]

ENG

# RESOLUTIONS

ACP/25/027/17

[Final version]

ENG



**RESOLUTION**  
**OF THE 106<sup>th</sup> SESSION OF THE ACP COUNCIL OF MINISTERS**  
**HELD IN BRUSSELS, BELGIUM, FROM 5<sup>TH</sup> TO 6<sup>TH</sup> DECEMBER 2017**

**ACP AGRICULTURAL COMMODITY TRADE  
AND SECTOR DEVELOPMENT**

The ACP Council of Ministers,

- meeting in Brussels, (Belgium), from 5 to 6 December 2017
- A. HAVING REGARD** to the resolution on ACP Agricultural Commodity Trade and Sector Development adopted by the 105<sup>th</sup> Session of the ACP Council of Ministers held in Brussels, from 3<sup>rd</sup> to 4<sup>th</sup> May 2017;
- B. RECALLING** the New Approach on support for the development of agricultural value chains, which targets actors along the value chain including family farms, MSMEs, women and youth, and aims at empowering them to participate fully in the transformation and modernisation of the agricultural sector at the national and regional level;
- C. UNDERLINING** the fact that the New Approach is based on four (4) Pillars namely: Finance, Capacity Building, Trade and Investment and Climate Change, and noting that Finance is the main sector of concentration for intra-ACP intervention as it is the main constraint that weighs heavily on ACP farms and prevents the modernisation of the sector;
- D. NOTING** that the global trend in banana production has been on the increase with Latin America accounting for 76% of the production and 70% of the European market while ACP market share still remains at 19% with most bananas being exported to France, Spain and the UK;
- E. CONCERNED** about the proliferation of FTAs that has led to the increase in banana imports into the EU market, with increase in imports from Nicaragua, Guatemala and Peru which have gone beyond the 80% defined thresholds, under the trade agreements signed with the EU;

**ACP/25/027/17**

**[Final version]**

**ENG**

- F. **RECALLING** the commitment made by the European Commission not to go below the tariff rate floor of 75 euros per tonne applicable to third countries in the context of future Free Trade Agreements or those under negotiation with regard to the Banana sector;
- G. **RECOGNISING** the socio-economic importance of the cashew sector for the development of several ACP countries, and the sustainable development prospects that this sector provides for employment especially for women and the youth;
- H. **DEEPLY** concerned with the abrupt declining cocoa prices by almost 40% within one year which has generated tremendous macroeconomic shocks in cocoa-dependent exporting countries and impacted negatively on the incomes of among others cocoa producers and smallholder cocoa farmers;
- I. **NOTING** the significant progress made in the context of the EU-Africa Partnership on Cotton, regarding implementation on the Support Programme for the consolidation of the Action Framework which ended in November 2017;
- J. **ACKNOWLEDGING** that the project / program approach which has a strong subsidy component has shown its limitations, while it has helped to develop various good practices and demonstrate their feasibility along the cotton value chain, it does not allow them to be scaled up;
- K. **RECOGNISING** the good progress made so far in the harmonisation exercise of the Pan-African Cotton Investment Programme with the C4 "Route du Cotton" which both aim at bringing sustainable development to the Cotton Sector;
- L. **RECALLING** the Hong Kong Mandate on Cotton which called on the need to address cotton ambitiously, expeditiously and specifically, within the agriculture negotiations in relation to all trade-distorting policies affecting the sector in all three pillars of market access, domestic support and export competition;
- M. **NOTING with concern** the end of the EU sugar quota system, which took effect on 1 October 2017 and which will significantly decrease ACP and LDC imports and erode even further the price preference which has, until now, done much to foster socio-economic development in ACP and LDC countries, whereas, it is expected the EU will more than double the quantity of sugar it exports to the world markets, including to some of the ACP regional markets;
- N. **FURTHER** concerned that Voluntary Coupled Support (VCS) has had a negative impact on the price of sugar, and that VCS would undermine the concept of a market-based reform leading to serious consequences for ACP suppliers that were not foreseen initially;

ACP/25/027/17

[Final version]

ENG

- O. **DEEPLY CONCERNED** about the EU plans to modify its market access offer to Mercosur to include sensitive products, among them sugar, during the next round of trade talks between 4 and 10 December 2017;
- P. **NOTING** that as of end December 2016 the de-commitment amount of EUR 64.481 million, under the Accompanying Measures for former Sugar Protocol (AMSP) countries, cannot be used anymore because the deadline for contracting is over;
- Q. **RECALLING** the positive results achieved under phase I of the ACP Sugar Research Programme (ACP-SRP) which contributed to enhancing the competitiveness of the ACP sugar sector;
- R. **CONCERNED** at the potential harmful impact of the United Kingdom's planned withdrawal from the European Union on 29<sup>th</sup> March 2019 on the market access and trade regime for ACP States in the United Kingdom, which may result in the reduction of imports;
- S. **HAVING EXAMINED** the report of the Ministerial Consultations on Commodities held on 4<sup>th</sup> December 2017, in Brussels, Belgium and paying particular attention to the recommendations thereof;

**HEREBY RESOLVES TO:**

1. **Recognises** the ACP Group is at a crossroad, having to define its post 2020 future globally, and to redefine its partnership with the EU, while simultaneously addressing a number of challenges including BREXIT, preference erosion and the sharp drop in commodity prices; hence the need to strategise and reposition itself through implementation of key strategic policies such as the New Approach which places emphasis on adding value to commodities thereby facilitating the process of transformation of ACP economies and enabling integration into the regional and ultimately global value chains;
2. **Welcomes** the finalisation of the Implementation Modalities for the New Approach on support for the development of agricultural value chains and urges the expeditious completion of the development of the Programme on agricultural value chains which will articulate support to various sectors including banana, cotton, sugar, cashew, cocoa, kava, rum fisheries, livestock and tobacco;

**ACP/25/027/17**

**[Final version]**

**ENG**

3. **Agrees** that the structure of the Ministerial Consultations on Commodities should reflect the framework of the new approach which focuses on cross cutting challenges and opportunities faced by the commodities sectors and **instructs** the Committee of Ambassadors and the Secretariat to ensure that future discussions in the Ministerial Consultations are framed along common themes such as the effect of FTAs concluded by EU with Third Countries, preference erosion and opportunities presented by BREXIT etc;
4. **Reiterates** its concerns about the proliferation of FTAs, that has affected the preferences given to the ACP States, and has negatively impacted on the competitiveness of several ACP exports;
5. **Expresses** concern in this context that Nicaragua, Guatemala and Peru have gone beyond their defined thresholds in terms of banana exports into the EU market, which may have an eventual impact on the banana price levels and the overall stability of the EU banana market;
6. **Calls** upon the EU to stand by its commitment to maintaining a tariff rate floor of 75 euros per tonne for third countries in order to guarantee stabilisation of the EU banana market and **invite** the EU to dialogue through the Joint Banana working group with the aim of monitoring and ensuring stability in the EU Banana market;
7. **Request** the ACP Secretariat to facilitate the participation of ACP Member States in the cocoa working group established under the International Cocoa Council, which has been set up to formulate policies and programmes aimed at addressing the current crisis on cocoa prices, with the view to **ensure** ACP interests are taken on board;
8. **Calls** upon the Committee of Ambassadors to finalise work on the harmonisation exercise of the Pan-African Cotton Investment Programme with the C4 "*Route du Cotton*", which will set the tone for future support to the Cotton Sector (C4);
9. **Further calls** upon the Committee of Ambassadors to ensure that future support to cotton promotes a public-private partnership with shared responsibilities where the subsidy element is used strategically to mobilise funding from partner financial institutions and the private sector;

ACP/25/027/17

[Final version]

ENG

10. **Upholds** the ACP Position on Cotton, by supporting a meaningful outcome on Cotton at MC 11 on the basis of the proposal tabled by the C-4;
11. **Stresses** its concern on the imminent negative effects of the end of the EU Sugar quota system on ACP States and **calls** for dialogue with the EU, with a view to explore remedial measures aimed at mitigating the effects;
12. **Reiterates** its concern about the continuing EU subsidies to its sugar industry notably in the form of voluntary coupled support (VCS) provided to beet farmers which can materially damage the commercial prospects for ACP sugar suppliers in Europe and **calls** on the EU for appropriate remedial actions;
13. **Underscores** the need for the EU to ensure that prior consultations are held with the ACP as required under Article 12 of the Cotonou Partnership Agreement and **calls** on the EU to engage on VCS under the established consultative mechanisms;
14. **Also Calls** on the EU for urgent consultations, as provided for under Cotonou Partnership Agreement, on the intention by the EU to modify its market access offer to include sensitive products such as sugar in the ongoing FTA negotiations with Mercosur;
15. **Reiterates** the longstanding request by the ACP sugar producing countries to the EU for funding support to be secured for the next phase of the Sugar Research Programme which is one of the success stories of the ACP-EU relations and **further acknowledges** the finalisation of the list of Project Proposals that will form the basis for the second phase of the ACP Sugar Research Programme;
16. **Emphasizes** the importance of ensuring that there is no elimination or disruption of trade post-BREXIT and **mandates** the conduct of a study on challenges and opportunities;
17. **Invites** the President of the Council of Ministers to forward this resolution to ACP regional economic integration organisations, the Commission of the African Union, the Council of the European Union, the European Parliament, EU Member States, and the European Commission.

Brussels, 06 December, 2017

ACP/25/027/17

[Final version]

ENG

**RESOLUTION  
OF THE 106<sup>th</sup> SESSION OF THE ACP COUNCIL OF MINISTERS  
HELD IN BRUSSELS (BELGIUM) ON 5 AND 6 DECEMBER 2017**

**EU LIST OF THE NON-COOPERATIVE TAX JURISDICTIONS**

The ACP Council of Ministers,

- Meeting in Brussels, Belgium on 5<sup>th</sup> and 6<sup>th</sup> December 2017,

- A. HAVING REGARD TO** the Resolution on the common European Union list of non-cooperative tax jurisdictions adopted by its 104<sup>th</sup> Session;
- B. HAVING REGARD TO** the outcomes of the 20<sup>th</sup> meeting of the ACP Ministerial Trade Committee, specifically related to the discussion on the process towards an EU list of non-cooperative tax jurisdictions, and further discussions with the EU during the 15<sup>th</sup> Joint Ministerial Trade Committee;
- C. NOTING** the publication of an EU list of non-cooperative jurisdictions for tax purposes, which was adopted by the Council of the European Union on 5 December 2017;
- D. FURTHER NOTING** that as of 5 December 2017, eight (8) ACP States have been listed by the EU; and an additional thirteen (13) have been placed on scrutiny;
- E. NOTING ALSO** that because of the impact of natural disasters, which have devastated their economies, that some ACP Member States have not appeared on this list have been given only until 2018 to comply with the unilateral EU policies;
- F. MINDFUL** of the fact that OECD is the sole body for setting norms and standards on tax cooperation at the international level, and **RECALLING** the proposals for the creation of an intergovernmental tax body in the United Nations (UN) to replace the UN advisory committee of experts on international tax cooperation;
- G. CONCERNED** that the EU has unilaterally established a standard for the definition of tax good governance which is at variance with that of the OECD, and without due consultation with ACP States;

**ACP/25/027/17**

**[Final version]**

**ENG**

- H. **CONCERNED** also about the nature of, and the lack of transparency associated with the screening process that has been conducted by the EU;
- I. **AFFIRMING** that several of the listed countries remain in compliance, or are largely compliant with the OECD Standards on Tax Good Governance;
- J. **REITERATING** that the unwarranted inclusion on such a list results in extensive reputational damage with negative economic impact and consequences, for affected countries;

**HEREBY RESOLVES TO:**

1. **Express profound concern** regarding the unilateral and discriminatory approach of the EU in this matter;
2. **Call on the EU** to respect and comply with the letter and spirit of the ACP-EU Cotonou Partnership Agreement;
3. **Note** that no EU member state appears on the EU list of non-cooperative tax jurisdictions despite the scale of their economies and financial services sectors, and despite several EU members having tax practices that are equivalent or more liberal than those of the listed countries;
4. **Note** with concern that most of the countries blacklisted or put under scrutiny were small, developing States with vulnerable economies;
5. **Express** deep concern with the recommendations of the EU Council for its Member States to take certain co-ordinated defensive measures in the tax area in accordance with their national law and in accordance with the obligations under EU and international law, as a follow-up to this publication by the EU and the dire financial impact of any sanctions on the vulnerable economies of the affected ACP countries;
6. **Condemn** in the strongest terms possible the unilateral practices of the EU in this regard, and the pressure placed on many small States to comply with the EU standard, in flagrant disrespect of their sovereignty;
7. **Affirm** that this action undermines the trust and confidence necessary in the lead up to the negotiations of the future ACP-EU partnership post 2020;

**ACP/25/027/17**

**[Final version]**

**ENG**

8. **Demand** that the EU enter into dialogue with the ACP towards a resolution of this matter, as a matter of urgency; and
9. **Instruct** the President of Council to forward this decision to the European Commission, Council of the European Union and the European Parliament as well as to African Union Commission and the ACP Regional Integration Organizations.

Brussels, 6 December 2017

ACP/25/027/17

[Final version]

ENG



**RESOLUTION  
OF THE 106<sup>th</sup> SESSION OF THE ACP COUNCIL OF MINISTERS  
HELD IN BRUSSELS, BELGIUM FROM 5<sup>TH</sup> TO 6<sup>TH</sup> DECEMBER 2017**

**MID-TERM REVIEW OF  
DEVELOPMENT FINANCE COOPERATION**

The ACP Council of Ministers,

meeting in Brussels, (Belgium), on 5 and 6 December 2017;

- A. **WHEREAS** the Cotonou Agreement and, more specifically, its provisions relating to development finance cooperation, and Annex IV;
- B. **HAVING CONSIDERED** the report of the ACP Ministerial Committee on Development Finance Cooperation;
- C. **RECALLING** the critical role that the ACP National and Regional Authorising Officers play in the programming and implementation of NIPs and RIPS; **SHARING** the rationale for and the objectives of the mid-term reviews, as provided for in the Cotonou Agreement;
- D. **RECALLING** the fundamental principles of ACP-EU development finance cooperation, including ownership, flexibility, co-management, and the predictability of resources;
- E. **UNDERSCORING** the importance of dialogue between the two sides in the decision-making process;
- F. **NOTING** the close link between the 2030 Agenda and the mid-term review of cooperation;
- G. **CONCERNED** by the inadequate consultations;

**HEREBY RESOLVES TO:**

- 1. **WELCOME** the EU Member States' continued efforts to promote development cooperation;

**ACP/25/027/17**

**[Final version]**

**ENG**

2. **CALL ON** the European Commission to pay special attention to national and regional priorities during the reviews of cooperation and to demonstrate flexibility;
3. **REITERATE** the importance of building capacities in human resources and national and regional institutions, as vital elements for the successful implementation of NIPs and RIPs;
4. **CALL ON** the European Commission to prioritise dialogue, ensuring that National and Regional Authorising Officers are included in the cooperation review exercise, from beginning to end and in a timely manner, and to refrain from taking any unilateral decisions;
5. **REQUEST** that the European Commission make greater use of local technical assistance by hiring ACP consultants to implement the programmes to be financed under the five investment windows of the European External Investment Plan; and
6. **INVITE** the President of the Council of Ministers to hereby submit this Resolution to the European Commission and the Council of the European Union.

Brussels, 6 December 2017

**ACP/25/027/17**

**[Final version]**

**ENG**

**DECLARATION  
OF THE 106<sup>th</sup> SESSION OF THE ACP COUNCIL OF MINISTERS  
HELD IN BRUSSELS, BELGIUM, FROM 5<sup>TH</sup> TO 6<sup>TH</sup> DECEMBER 2017**

**ON THE SALE OF AFRICAN MIGRANTS IN LIBYA**

The ACP Council of Ministers,

- meeting in Brussels, (Belgium), from 5 to 6 December 2017,
- A. EXPRESSES** deep concern over the inhuman treatment of the auctioning of migrants in Libya;
- B. STRONGLY CONDEMNS** these despicable acts of slavery which amounts to crimes against humanity and do not have a place in the world;
- C. COMMENDS** the Libyan authorities for their immediate response to investigate these heinous acts and call for an outcome that will lead to justice for the victims;
- D. STRESSES** the need and urgency to improve the conditions of migrants and refugees in Libya and request the Government of Libya to provide all necessary assistance to ensure full respect of the cultural identity of migrants and refugees and protection of the mental, sexual and reproductive rights from the moment they arrive in Libya to when they are repatriated in accordance to UN Convention of 1951 and its 1967 Protocols on Refugees;
- E. WELCOMES** the African Union Commission swift engagement with Libyan authorities, including the AUC Commissioner visit to Libya;
- F. CALLS** on the cooperating development partners to have a holistic and development approach to addressing the challenge of Migration including effective means to counter the trafficking of Human Beings and Smuggling of Migrants;
- G. REMAINS COMMITTED** to upholding human rights of migrants, regardless of their immigration status and to prevent and combat migrant smuggling and human trafficking;

**ACP/25/027/17**

**[Final version]**

**ENG**

- H. **COMMITTS** to widely communicate to the youth about the dangers of such hazardous journeys and against the trafficking networks;
- I. **FURTHER CALLS** on the international community to support countries of origin migrants in their relocation and reintegration efforts;

Brussels, 06 December, 2017

**ACP/25/027/17**

**[Final version]**

**ENG**