



EUROPEAN
COMMISSION

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COM(2024) 238 final

2024/0134 (NLE)

Proposal for a

COUNCIL DECISION

on the position to be taken on behalf of the European Union within the first meetings of the OACPS-EU Joint Institutions regarding the adoption of the Rules of Procedure of the OACPS-EU Joint Institutions, namely the OACPS-EU Council of Ministers, the Africa-EU Council of Ministers, the Caribbean-EU Council of Ministers, the Pacific-EU Council of Ministers, the OACPS-EU Ambassadorial Level Senior Officials Committee, the Africa-EU Joint Committee, the Caribbean-EU Joint Committee and the Pacific-EU Joint Committee

EXPLANATORY MEMORANDUM

1. SUBJECT MATTER OF THE PROPOSAL

This proposal concerns the decision establishing the position to be taken on the Union's behalf in the first meetings of the joint institutions established by the Partnership Agreement between the European Union and its Member States of the one part, and the Members of the Organisation of the African, Caribbean and Pacific States, of the other part, signed in Samoa on 15 November 2023 ('the Agreement').

According to the Agreement, each Joint Institutions shall adopt its rules of procedure at its first meeting, but no later than six months after the entry into force of the Agreement.

OACPS-EU Joint Institutions covered by the present proposal are the following: the OACPS-EU Council of Ministers, the Africa-EU Council of Ministers, the Caribbean-EU Council of Ministers, the Pacific-EU Council of Ministers, the OACPS-EU Ambassadorial Level Senior Officials Committee, the Africa-EU Joint Committee, the Caribbean-EU Joint Committee and the Pacific-EU Joint Committee.

2. CONTEXT OF THE PROPOSAL

2.1. The Partnership Agreement between the European Union and its Member States, and the members of the Organisation of African, Caribbean and Pacific States

The Agreement aims to establish a strengthened political partnership between the Parties to generate mutually beneficial outcomes on common and intersecting interests and in accordance with their shared values. The Agreement has been provisionally applied since 1 January 2024, in accordance with its Article 98(4). The entry into force of the Agreement will follow the completion of the Parties' respective internal procedures, in accordance with Article 98(2) of the Agreement.

The European Union and all its Member States are parties to the Agreement¹.

The OACPS-EU Council of Ministers and each regional Councils of Ministers shall be co-chaired by the Chair nominated by the OACPS Members/respectively by the African, Caribbean or Pacific States Parties on the one hand and by the Chair nominated by the EU Party on the other hand. On the European Union side, the OACPS-EU Council of Ministers and each Regional Council of Ministers should be chaired by the High Representative of the Union for Foreign Affairs and Security Policy in his/her capacity of Vice President of the European Commission (hereinafter 'HR/VP') and/or a Commissioner of the European Commission.

2.2. The OACPS-EU Joint Institutions

Pursuant to Article 86(1) of the Agreement, the OACPS-EU Joint Institutions comprise, at the level of the members of the OACPS and the EU Party: the OACPS-EU Council of Ministers, the OACPS-EU Ambassadorial Level Senior Officials Committee (OACPS-EU ALSOC) and the OACPS-EU Joint Parliamentary Assembly. For each of the Regional Protocols, the joint institutions comprise the Africa-EU Council of Ministers, the Africa-EU Joint Committee, the Africa-EU Parliamentary Assembly, the Caribbean-EU Council of Ministers, the Caribbean-

¹ Council Decision of 20 July 2023 on the signing, on behalf of the European Union, and provisional application of the Partnership Agreement between the European Union and its Member States, of the one part, and the Members of the Organisation of African, Caribbean and Pacific States, of the other part (OJ L 2023/2861, 28.12.2023).

EU Joint Committee, the Caribbean-EU Parliamentary Assembly, the Pacific-EU Council of Ministers, the Pacific-EU Joint Committee and the Pacific-EU Parliamentary Assembly.

The Rules of Procedure of the OACPS-EU Joint Parliamentary Assembly, the Africa-EU Parliamentary Assembly, the Caribbean-EU Parliamentary Assembly and the Pacific-EU Parliamentary Assembly have been adopted at the first meetings of the four new Parliamentary Assemblies, that were held from 19 to 21 February 2024 in Luanda, Angola, in accordance with Article 90(3) of the Agreement.

2.2.1. The OACPS-EU Council of Ministers

Pursuant to Article 88 of the Agreement, the OACPS-EU Council of Ministers shall comprise, on the one hand, a representative of each OACPS Member at ministerial level and, on the other hand, representatives of the European Union and of its Member States at ministerial level. It shall be co-chaired by the Chair nominated by the OACPS Members on the one hand and by the Chair nominated by the EU Party on the other hand.

The OACPS-EU Council of Ministers shall meet in principle every three years and whenever it is deemed necessary on the initiative of the Co-chairs, in a form and composition appropriate to the issues to be addressed. Observers may take part in meetings as appropriate.

The OACPS-EU Council of Ministers may set up committees and working groups to deal with specific issues more effectively and efficiently, such as issues on trade and development finance. It may also delegate powers to the OACPS-EU ALSOC.

The functions of the OACPS-EU Council of Ministers shall be to:

- (a) Provide strategic political guidance;
- (b) Oversee the effective and consistent implementation of this Agreement;
- (c) Adopt policy guidelines and take decisions to give effect to specific aspects necessary for the implementation of the provisions of this Agreement; and
- (d) Adopt joint positions, agree on joint actions on international cooperation, and facilitate coordination in international organisations and forums.

The OACPS-EU Council of Ministers shall adopt decisions that are binding on all Parties unless otherwise specified, or make recommendations concerning any of its functions listed above by common agreement of the Parties.

The OACPS-EU Council of Ministers may take decisions or make recommendations by written procedure. The use of a written procedure may be proposed by any of the Parties and may be initiated following the agreement of the Co-Chairs. The rules laid down above shall apply *mutatis mutandis* to the written procedure.

2.2.2. The Regional Council of Ministers

Pursuant to Article 92(1) of the Agreement, the parties to the Agreement also establish a Council of Ministers for each of the three Regional Protocols of the Agreement.

The Africa-EU Council of Ministers shall comprise, on the one hand, a representative of each State Party in Africa at ministerial level and, on the other hand, representatives of the European Union and of its Member States at ministerial level. It shall be co-chaired by the Chair nominated by the African States Party, on the one hand, and by the Chair nominated by the EU Party on the other hand, according to their own procedures.

The Caribbean-EU Council of Ministers shall comprise, on the one hand, a representative of each State Party in the Caribbean at ministerial level and, on the other hand, representatives of the European Union and of its Member States at ministerial level. It shall be co-chaired by the

Chair nominated by the Caribbean States Party, on the one hand, and by the Chair nominated by the EU Party on the other hand, according to their own procedures.

The Pacific-EU Council of Ministers shall comprise, on the one hand, a representative of each State Party in the Pacific at ministerial level and, on the other hand, representatives of the European Union and of its Member States at ministerial level. It shall be co-chaired by the Chair nominated by the Pacific States Party, on the one hand, and by the Chair nominated by the EU Party on the other hand, according to their own procedures.

The functions of each Regional Council of Ministers shall be to:

- (a) Set priorities and, as appropriate, establish plans of action in relation to the objectives of their respective Regional Protocol;
- (b) Adopt decisions and make recommendations to give effect to specific aspects of their respective Regional Protocol, including decisions concerning the revision or amendment thereof, in accordance with Article 99(5); the decisions shall be binding on all Parties to the respective Regional Protocol, unless otherwise specified; and
- (c) Conduct dialogue and exchange views on any issues of common interest.

Each Regional Council of Ministers shall adopt decisions or make recommendations by common agreement.

Each Regional Council of Ministers:

- (a) May adopt decisions or make recommendations by written procedure; the rules laid down in Article 88 shall apply *mutatis mutandis* to the written procedure of the Regional Council of Ministers;
- (b) May set up subcommittees and working groups to deal with specific issues more effectively and efficiently, and may delegate powers to the respective Regional Joint Committee;
- (c) Shall submit a report to the OACPS-EU Council of Ministers on the implementation of its respective Protocol.

2.2.3. *The OACPS-EU Ambassadorial Level Senior Officials Committee (OACPS-EU ALSOC)*

The OACPS-EU ALSOC shall comprise, on the one hand, a representative of each OACPS Member at ambassadorial or senior official level and the Secretary General of the OACPS in an *ex officio* capacity and, on the other hand, representatives of the European Union and of its Member States at ambassadorial or senior level.

The OACPS-EU ALSOC shall meet annually and in special sessions at the request of the Co-chairs, and in particular to prepare for the sessions of the OACPS-EU Council of Ministers. It shall be co-chaired by the same Parties that hold the office of Co-chairs of the OACPS-EU Council of Ministers. It shall take its decisions and make recommendations by common agreement of the Parties. Observers may take part in meetings as appropriate.

The OACPS-EU Ambassadorial Level Senior Officials Committee (OACPS-EU ALSOC) shall prepare the sessions of, and assist, the OACPS-EU Council of Ministers in the fulfilment of its tasks and carry out any mandate entrusted to it by the OACPS-EU Council of Ministers.

2.2.4. *The Regional Joint Committees*

The Africa-EU Joint Committee shall comprise, on the one hand, a representative of each African OACPS Member at ambassadorial or senior official level, and, on the other hand, representatives of the European Union and of its Member States at ambassadorial or senior

official level. It shall be co-chaired by the same Parties that hold the office of Co-chairs of the Africa-EU Council of Ministers. When appropriate, it may decide to invite observers on the proposal of any Party following the agreement of the Co-chairs. It shall prepare the sessions and assist the Africa-EU Council of Ministers in the fulfilment of its tasks and carry out any mandate entrusted to it by the Africa-EU Council of Ministers.

The Caribbean-EU Joint Committee shall comprise, on the one hand, a representative of each Caribbean OACPS Member at ambassadorial or senior official level, and, on the other hand, representatives of the European Union and of its Member States at ambassadorial or senior official level. It shall be co-chaired by the same Parties that hold the office of Co-chairs of the Caribbean-EU Council of Ministers. When appropriate, it may decide to invite observers on the proposal of any Party following the agreement of the Co-chairs. It shall prepare the sessions and assist the Caribbean-EU Council of Ministers in the fulfilment of its tasks and carry out any mandate entrusted to it by the Caribbean-EU Council of Ministers.

The Pacific-EU Joint Committee shall comprise, on the one hand, a representative of each Pacific OACPS Member at ambassadorial or senior official level, and, on the other hand, representatives of the European Union and of its Member States at ambassadorial or senior official level. It shall be co-chaired by the same Parties that hold the office of Co-chairs of the Pacific-EU Council of Ministers. When appropriate, it may decide to invite observers on the proposal of any Party following the agreement of the Co-chairs. It shall prepare the sessions and assist the Pacific-EU Council of Ministers in the fulfilment of its tasks and carry out any mandate entrusted to it by the Pacific-EU Council of Ministers.

2.3. The envisaged acts of the first meetings of the OACPS-EU Joint Institutions

At its first meetings, each OACPS-EU Joint Institutions, namely the OACPS-EU Council of Ministers, the Africa-EU Council of Ministers, the Caribbean-EU Council of Ministers, the Pacific-EU Council of Ministers, the OACPS-EU Ambassadorial Level Senior Officials Committee (OACPS-EU ALSOC), the Africa-EU Joint Committee, the Caribbean-EU Joint Committee and the Pacific-EU Joint Committee is to adopt a Decision regarding the adoption of its respective Rules of Procedure ('the envisaged act').

The purpose of each envisaged act is to establish the Rules of Procedure of the OACPS-EU Council of Ministers, the Africa-EU Council of Ministers, the Caribbean-EU Council of Ministers, the Pacific-EU Council of Ministers, the OACPS-EU Ambassadorial Level Senior Officials Committee (OACPS-EU ALSOC), the Africa-EU Joint Committee, the Caribbean-EU Joint Committee and the Pacific-EU Joint Committee.

The envisaged act establishing the Rules of Procedure of the OACPS-EU Council of Ministers will become binding on the parties in accordance with Article 88(5) of the Agreement, which provides: 'The OACPS-EU Council of Ministers shall adopt decisions that are binding on all Parties'. Pursuant to Article 88(7), the OACPS-EU Council of Ministers shall adopt its rules of procedure at its first meeting, but no later than 6 months after the entry into force of the Agreement.

The envisaged act establishing the Rules of Procedure of the Africa-EU Council of Ministers will become binding on the EU Party and on the African OACPS Members in accordance with Article 92(2)(b) of the Agreement, which provides: 'the decisions shall be binding on all Parties to the respective Regional Protocol'. Pursuant to Article 92(4)(d), the Africa-EU Council of Ministers shall adopt its rules of procedure at its first meeting, but no later than 6 months after the entry into force of the Agreement.

The envisaged act establishing the Rules of Procedure of the Caribbean-EU Council of Ministers will become binding on the EU Party and on the Caribbean OACPS Members in

accordance with Article 92(2)(b) of the Agreement, which provides: ‘the decisions shall be binding on all Parties to the respective Regional Protocol’. Pursuant to Article 92(4)(d), the Caribbean-EU Council of Ministers shall adopt its rules of procedure at its first meeting, but no later than 6 months after the entry into force of the Agreement.

The envisaged act establishing the Rules of Procedure of the Pacific-EU Council of Ministers will become binding on the EU Party and on the Pacific OACPS Members in accordance with Article 92(2)(b) of the Agreement, which provides: ‘the decisions shall be binding on all Parties to the respective Regional Protocol’. Pursuant to Article 92(4)(d), the Pacific-EU Council of Ministers shall adopt its rules of procedure at its first meeting, but no later than 6 months after the entry into force of the Agreement.

The envisaged act establishing the Rules of Procedure of the OACPS-EU Ambassadorial Level Senior Officials Committee (OACPS-EU ALSOC) is pursuant to Article 89(3) of the Agreement, which provides: ‘The OACPS-EU ALSOC shall adopt its rules of procedure at its first meeting, but no later than six months after the entry into force of this Agreement’.

The envisaged act establishing the Rules of Procedure of the Africa-EU Joint Committee is pursuant to Article 93(4) of the Agreement, which provides: ‘Each Regional Joint Committee shall adopt its rules of procedure at its first meeting, but no later than six months after the entry into force of this Agreement’.

The envisaged act establishing the Rules of Procedure of the Caribbean-EU Joint Committee is pursuant to Article 93(4) of the Agreement, which provides: ‘Each Regional Joint Committee shall adopt its rules of procedure at its first meeting, but no later than six months after the entry into force of this Agreement’.

The envisaged act establishing the Rules of Procedure of the Pacific-EU Joint Committee is pursuant to Article 93(4) of the Agreement, which provides: ‘Each Regional Joint Committee shall adopt its rules of procedure at its first meeting, but no later than six months after the entry into force of this Agreement’.

3. POSITION TO BE TAKEN ON THE UNION'S BEHALF

The Commission proposes that the Union agrees to the adoption of the Rules of Procedure of the OACPS-EU Joint Institutions, namely the OACPS-EU Council of Ministers, the Africa-EU Council of Ministers, the Caribbean-EU Council of Ministers, the Pacific-EU Council of Ministers, the OACPS-EU Ambassadorial Level Senior Officials Committee, the Africa-EU Joint Committee, the Caribbean-EU Joint Committee and the Pacific-EU Joint Committee. The draft act of the OACPS-EU Joint Institutions, i.e. the draft Rules of Procedure, is set out in the Annex attached to this Proposal.

4. LEGAL BASIS

4.1. Procedural legal basis

4.1.1. Principles

Article 218(9) of the Treaty on the Functioning of the European Union (TFEU) provides for decisions establishing ‘*the positions to be adopted on the Union’s behalf in a body set up by an agreement, when that body is called upon to adopt acts having legal effects, with the exception of acts supplementing or amending the institutional framework of the agreement.*’

The concept of ‘*acts having legal effects*’ includes acts that have legal effects by virtue of the rules of international law governing the body in question. It also includes instruments that do

not have a binding effect under international law, but that are ‘*capable of decisively influencing the content of the legislation adopted by the EU legislature*’².

4.1.2. Application to the present case

The OACPS-EU Joint Institutions are bodies set up by an agreement, namely the Partnership Agreement between the European Union and its Member States, of the one part, and the Members of the Organisation of African, Caribbean and Pacific States, of the other part.

The act, which the OACPS-EU Council of Ministers is called upon to adopt, constitutes an act having legal effects. The envisaged act will be binding under international law in accordance with Article 88(5) of the Agreement.

The acts, which the Africa-EU Council of Ministers, the Caribbean-EU Council of Ministers and the Pacific-EU Council of Ministers are called upon to adopt, constitute acts having legal effects. The envisaged acts will be binding under international law in accordance with Article 92(2)(b) of the Agreement.

The act, which the OACPS-EU ALSOC is called upon to adopt, constitutes an act having legal effects. The envisaged act has legal effects, as the decision of the OACPS-EU ALSOC will be taken by common agreement and allows for the fulfilment of its tasks and any mandate entrusted to it by the OACPS-EU Council of Ministers under a delegation of powers pursuant to Articles 88(3) and 89(2) of the Agreement.

The acts, which the Africa-EU Joint Committee, the Caribbean-EU Joint Committee and the Pacific-EU Joint Committee are called upon to adopt, constitute acts having legal effects, as they allow for the fulfilment of the Committee’s tasks and to carry out any mandate entrusted to it by the respective Regional Council of Ministers.

The envisaged act does not supplement or amend the institutional framework of the Agreement.

Therefore, the procedural legal basis for the proposed decision is Article 218(9) TFEU.

4.2. Substantive legal basis

4.2.1. Principles

The substantive legal basis for a decision under Article 218(9) TFEU depends primarily on the objective and content of the envisaged act in respect of which a position is taken on the Union's behalf. If the envisaged act pursues two aims or has two components and if one of those aims or components is identifiable as the main one, whereas the other is merely incidental, the decision under Article 218(9) TFEU must be founded on a single substantive legal basis, namely that required by the main or predominant aim or component.

4.2.2. Application to the present case

The main objective and content of the envisaged act relates to the functioning of the bodies set up on the basis of the Agreement. For decisions approving rules of procedure of bodies that are to oversee the implementation of the agreement as a whole, the substantive legal basis follows that of the main, i.e. the one applicable to the agreement as a whole³. In that regard, the substantive legal basis of Council Decision [2023/2861](#) of 20 July 2023 on the signing, on

² Judgement of the Court of Justice of 7 October 2014, *Germany v Council*, C-399/12, ECLI:EU:C:2014:2258, paragraphs 61 to 64.

³ Judgement of the Court of Justice of 4 September 2018, *European Commission v Council of the European Union*, C-244/17, ECLI:EU:C:2018:662, paragraphs 39 to 40.

behalf of the European Union, and provisional application of the Agreement⁴, is based on Article 217 TFEU. Therefore, the substantive legal basis of the proposed decision is Article 217 TFEU.

4.3. Conclusion

The legal basis of the proposed decision should be Article 217 TFEU, in conjunction with Article 218(9) TFEU.

⁴ Council Decision of 20 July 2023 on the signing, on behalf of the European Union, and provisional application of the Partnership Agreement between the European Union and its Member States, of the one part, and the Members of the Organisation of African, Caribbean and Pacific States, of the other part (OJ L 2023/2861, 28.12.2023).

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on the position to be taken on behalf of the European Union within the first meetings of the OACPS-EU Joint Institutions regarding the adoption of the Rules of Procedure of the OACPS-EU Joint Institutions, namely the OACPS-EU Council of Ministers, the Africa-EU Council of Ministers, the Caribbean-EU Council of Ministers, the Pacific-EU Council of Ministers, the OACPS-EU Ambassadorial Level Senior Officials Committee, the Africa-EU Joint Committee, the Caribbean-EU Joint Committee and the Pacific-EU Joint Committee

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 217, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Partnership Agreement between the European Union and its Member States, of the one part, and Members of the Organisation of African, Caribbean and Pacific States, of the other part ('the Agreement') was signed on 15 November 2023 by the European Union, its Member States and the Members of the Organisation of African, Caribbean and Pacific States ('OACPS Members') and entered into provisional application on 1 January 2024⁵.
- (2) The Agreement is to enter into force on the first day of the second month following the date on which the European Union and its Member States and at least two thirds of the OACPS Members have completed their respective internal procedures for that purpose and deposited their instruments expressing their consent to be bound with the General Secretariat of the Council of the European Union (the "depository"), which shall send a certified copy to the OACPS Secretariat.
- (3) The functions of the OACPS-EU Council of Ministers are provided in Article 88(4) of the Agreement. The functions of each Regional Council of Ministers are provided in Article 92(2) of the Agreement. The functions of the OACPS-EU ALSOC are provided in Article 89(2) of the Agreement. Finally, the functions of each Regional Joint Committee are provided in Article 93(3) of the Agreement.
- (4) On the European Union side, the OACPS-EU Council of Ministers and each Regional Council of Ministers should be chaired by the High Representative of the Union for Foreign Affairs and Security Policy in his/her capacity of Vice President of the European Commission (hereinafter 'HR/VP') and/or a Commissioner of the European Commission.

⁵ Council Decision of 20 July 2023 on the signing, on behalf of the European Union, and provisional application of the Partnership Agreement between the European Union and its Member States, of the one part, and the Members of the Organisation of African, Caribbean and Pacific States, of the other part (OJ L 2023/2861, 28.12.2023).

- (5) Each of the OACPS-EU Joint Institutions should, during its first meeting, adopt a Decision on its Rules of Procedure.
- (6) It is appropriate to establish the position to be taken on the rules of procedure of each of the OACPS-EU Joint Institutions on the Union's behalf in the Council, as the Decision will be binding on the Union.

HAS ADOPTED THIS DECISION:

Article 1

- (1) The position to be taken on the Union's behalf in the first meeting of each of the OACPS-EU Joint Institutions, namely the OACPS-EU Council of Ministers, the Africa-EU Council of Ministers, the Caribbean-EU Council of Ministers, the Pacific-EU Council of Ministers, the OACPS-EU Ambassadorial Level Senior Officials Committee, the Africa-EU Joint Committee, the Caribbean-EU Joint Committee and the Pacific-EU Joint Committee shall be based on the various draft rules of procedure of the OACPS-EU Joint Institutions attached to this Decision.
- (2) Minor technical corrections to the annexed various draft rules of procedure of the OACPS-EU Joint Institutions may be agreed to by the representatives of the European Union within the OACPS-EU Joint Institutions without further decision of the Council.

Article 2

On the European Union side, the OACPS-EU Council of Ministers and each Regional Council of Ministers shall be chaired by the High Representative of the Union for Foreign Affairs and Security Policy in his/her capacity of Vice President of the European Commission (hereinafter 'HR/VP') and/or a Commissioner of the European Commission.

Article 3

This Decision is addressed to the Commission.

Done at Brussels,

*For the Council
The President*



EUROPEAN
COMMISSION

Brussels, 31.5.2024
COM(2024) 238 final

ANNEXES 1 to 8

ANNEXES

to the

Proposal for a

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ANNEX I – Rules of Procedure of the OACPS-EU Council of Ministers

Article 1

Dates and locations of meetings

- (1) The OACPS-EU Council of Ministers, hereinafter referred to as ‘the Council’ shall perform its tasks as provided for in Article 88 of the Partnership Agreement between the European Union and its Member States of the one part, and the Members of the Organisation of the African, Caribbean and Pacific States, of the other part signed in Samoa on 15 November 2023, hereinafter referred to as ‘the Agreement’.
- (2) As provided in Article 88(2) of the Agreement, the Council, shall meet in principle every three years and whenever it is deemed necessary on the initiative of the Co-Chairs, in a form and composition appropriate to the issues to be addressed.
- (3) As provided in Article 88(1) of the Agreement, the Council shall comprise, on the one hand, a representative of each OACPS Member at ministerial level and, on the other hand, representatives of the European Union and of its Member States at ministerial level.
- (4) The Council shall be convened by its Co-Chairs. The dates of its meetings shall be fixed by common agreement between the parties.
- (5) The Council shall meet alternatively in Brussels or in a place indicated by the OACPS, in accordance with the decision taken by the Council.
- (6) Upon decision of the Co-Chairs, the Council may meet in a virtual or hybrid format should circumstances so require.

Article 2

Co-Chairs

- (1) As provided in Article 88(1) of the Agreement, the Council shall be co-chaired by the Chair nominated by the OACPS Members on the one hand and by a representative of the European Union at political level on the other hand.
- (2) The Office of Chair of the Council shall be held alternately as follows:
 - from 1 April to 30 September by a member of the Government of an OACPS Member State,
 - from 1 October to 31 March by a representative of the European Union at political level.

Article 3

Agenda of meetings

- (1) The provisional agenda for every meeting shall be drawn up by the Chair in the lead. It shall be communicated to the other members of the Council at least 30 days before the beginning of the meeting. The provisional agenda shall consist of those items in respect of which a request for inclusion is received by the Chair in the lead at least 30 days before the beginning of the meeting.

- (2) The items to appear on the provisional agenda shall be those for which documentation has been transmitted to the Secretariat of the Council in time to be forwarded to the members of the Council and to the members of the OACPS-EU Ambassadorial Level Senior Official Committee, hereinafter referred to as the 'ALSOC', at least 21 days before the beginning of the meeting.
- (3) The agenda shall be adopted by the Council at the beginning of each meeting. In urgent cases the Council may decide, at the request of the OACPS States or of the European Union, to include on the agenda items for which the time limits laid down in paragraph 1 have not been observed.
- (4) The provisional agenda may be divided into Part A, Part B and Part C:
 - items entered in Part A shall be those which can be approved by the Council without discussion;
 - items entered in Part B shall be those which need to be discussed by the Council before they are approved;
 - items entered in Part C shall be discussed in an informal exchange of views.

Article 4

Proceedings

- (1) In accordance with Article 88(5) of the Agreement, the Council shall adopt decisions that are binding on all Parties unless otherwise specified or make recommendations concerning any of its functions listed in Article 88(4) of the Agreement by common agreement of the Parties.
- (2) Should the Council meet in a virtual or hybrid format, the adoption of decisions and recommendations shall follow the written procedure laid down in Article 5.
- (3) The proceedings of the Council shall be valid only if the representatives of the European Union, at least half of the Member States of the European Union and at least two thirds of the members representing the governments of the OACPS Members are present.
- (4) All members of the Council unable to attend may be represented. In this case, they shall inform the Chair in the lead and shall indicate the person or delegation authorised to represent them. The representative shall exercise all the rights of the member unable to attend.
- (5) The members of the Council may be accompanied by advisers to assist them.
- (6) The composition of each delegation shall be communicated to the Chair in the lead before the beginning of each session.
- (7) A representative of the European Investment Bank, hereinafter referred to as 'EIB', shall be present at sessions of the Council when matters from the areas which concern the EIB are on the agenda.

Article 5

Written procedure

- (1) As provided in Article 88(6) of the Agreement, the Council may take decisions or make recommendations by written procedure. The use of a written procedure may be

proposed by any of the Parties and may be initiated following the agreement of the Co-Chairs.

- (2) At the same time as the written procedure is decided upon, a time limit may be fixed within which replies must be given. On the expiry of this time limit, the Chair in the lead may conclude, in view of the replies received, that a common agreement was reached, unless any of the Parties communicates the contrary.

Article 6

Committees and Working Groups

- (1) As provided in Article 88(3) of the Agreement, the Council may set up committees and working groups to deal with specific issues more effectively and efficiently.
- (2) The Council may delegate powers to such committees and working groups.
- (3) The committees and working groups shall submit reports on their work to the Council.
- (4) The committees and working groups may establish their rules of procedure with the agreement of the Council.
- (5) Without prejudice to paragraphs 1 to 4, the Council may, in the course of its meetings, delegate the preparation of its proceedings and conclusions on specific items on the agenda to working groups of ministers composed on a parity basis.

Article 7

Observers

- (1) Representatives of the following countries and organisations may attend sessions of the Council, as observers, upon their request and after acceptance of the Co-Chairs of the Council:
 - (a) signatory countries to the Agreement, which, on the date of entry into force of the Agreement have not yet completed the procedures referred to in Article 98 (1) and (2) of the Agreement;
 - (b) countries applying for accession to the Agreement under the procedures referred to in Article 102 of the Agreement;
 - (c) countries which are members of the OACPS, but which are not yet party to the Agreement and countries with observer status in the OACPS;
 - (d) the EU Overseas Countries and Territories (OCTs);
 - (e) the EU outermost regions;
 - (f) regional and sub-regional organisations, bodies and groupings from the OACPS regions;
 - (g) other third actors, including regional and continental organisations may participate as observers, in sessions of the Council upon their request or at the invitation of the Co-Chairs on an ad-hoc basis.
- (2) The observers participating in a meeting:
 - (a) may not vote in formal decision-making procedures, as prescribed in the rules of procedure;

- (b) may not make oral statements during the meeting, except upon the invitation of the Co-Chairs;
- (c) may not participate or attend the in-camera sessions;
- (d) may be invited to participate in specific meetings such as sectoral Ministerial conferences, symposia, expert meetings;
- (e) may receive non-confidential information and documentation disseminated by the Secretariat.

Article 8

Engagement with stakeholders

- (1) Engagement with stakeholders shall take place in accordance with the open and transparent mechanisms for structured consultation with stakeholders as referred to in Article 95 of the Agreement.
- (2) As provided in Article 95(2) of the Agreement, stakeholders shall be informed in a timely manner and be able to provide inputs into the broad process of dialogue, particularly in view of the meetings of the respective Council of Ministers.

Article 9

Confidentiality and official publications

- (1) Unless otherwise decided, meetings of the Council shall not be public. Access to meetings of the Council shall require a pass.
- (2) Without prejudice to such other provisions as may apply, the deliberations of the Council shall be covered by the obligation of professional secrecy unless the Council decides otherwise.
- (3) Each party may decide to publish the decisions and recommendations of the Council in their respective official publications.

Article 10

Communications and minutes of meetings

- (1) All communications provided for in these rules of procedure shall be transmitted through the Secretariat of the Council to the representatives of each OACPS Member, the Secretariat of the OACPS, the High Representative of the Union for Foreign Affairs and Security Policy, the Permanent Representatives of the European Union Member States, the General Secretariat of the Council of the European Union and the European Commission.
- (2) Such communications shall also be sent to the President of the EIB when they concern the EIB.
- (3) Minutes of each meeting shall be drawn up by the Secretariat of the Council and adopted by the Co-Chairs by written procedure, noting in particular the decisions taken by the Council.
- (4) A copy of the minutes shall be forwarded to the recipients referred to in paragraph 1.

Article 11

Documentation

Unless decided otherwise, the Council shall conduct its deliberations on the basis of documents drafted in the official languages of the parties.

Article 12

Forms of acts

- (1) Decisions and recommendations within the meaning of Article 88(5) of the Agreement shall be divided into articles.
- (2) They shall be concluded with the formula ‘Done at ...’, ‘(date)’, the date being the date of their adoption by the Council.
- (3) Decisions within the meaning of Article 88(5) of the Agreement shall be entitled ‘Decision’, followed by a serial number, date of adoption and a description of their subject.
- (4) Decisions shall specify the date on which they are to enter into force. They shall incorporate the following sentence: ‘The OACPS States, the European Union and its Member States shall be required, each for its own part, to take the necessary steps to implement this Decision’.
- (5) Recommendations within the meaning of Article 88(5) of the Agreement shall be entitled ‘Recommendation’, followed by a serial number, date of adoption and a description of their subject.
- (6) The decisions and recommendations adopted by the Council shall be signed by the Chair in the lead and shall be kept in the archives of the Council.
- (7) The decisions and recommendations shall be transmitted, through the Secretariat of the Council, to the recipients referred to in Article 11.

Article 13

The OACPS-EU Ambassadorial Level Senior Officials Committee (OACPS-EU ALSOC)

- (1) The Council may delegate powers to the ALSOC in accordance with Article 88(3) of the Agreement.
- (2) The conditions under which the ALSOC meets shall be laid down in its rules of procedure.
- (3) The ALSOC shall prepare the sessions of, and assist, the Council in the fulfilment of its tasks and carry out any mandate entrusted to it by the Council.

Article 14

Participation in the Joint Parliamentary Assembly

When the Council attends meetings of the Joint Parliamentary Assembly it shall be represented by its Co-Chairs.

Article 15

**Consistency in EU policies and impact on the implementation of the OACPS-EU
Partnership Agreement**

- (1) When the OACPS States request consultations pursuant to Article 4(2), of the Agreement, such consultations shall be held promptly, as a general rule within 21 days of the request.
- (2) The body responsible may be the Council, the ALSOC, or an ad hoc Working Group.

Article 16

Secretariat

- (1) The Secretariat of the Council and of the ALSOC, shall be run jointly by two secretaries.
- (2) The two secretaries shall be appointed after joint consultation, one by the OACPS and the other by the European Union.
- (3) The secretaries shall perform their duties in complete independence with a view solely to the interests of the good functioning of the Agreement and shall neither seek nor take instructions from any Government, organisation or authority other than the Council and the ALSOC.
- (4) Correspondence intended for the Council shall be sent to the Co-Chairs thereof at the seat of the Secretariat of the Council.

ANNEX II - Rules of Procedure of the Africa-EU Council of Ministers

Article 1

Scope

The provisions under these Rules of Procedure shall be legally binding only on the parties bound to the Africa Regional Protocol, according to Article 1(1) of the Africa Regional Protocol of the Partnership Agreement between the European Union and its Member States of the one part, and the Members of the Organisation of the African, Caribbean and Pacific States, of the other part signed in Samoa on 15 November 2023, hereinafter referred to as ‘the Agreement’.

Article 2

Dates and locations of meetings

- (1) The Africa-EU Council of Ministers, hereinafter referred to as ‘the Council’ shall perform its tasks as provided for in Article 92 of the Agreement. The Council’s decisions and recommendations shall not deviate from the decisions of the OACPS-EU Council of Ministers.
- (2) The Council shall meet in principle every two years and whenever it is deemed necessary on the initiative of the Co-Chairs, in a form and composition appropriate to the issues to be addressed.
- (3) As provided in Article 92(1)(a) of the Agreement, the Council shall comprise, on the one hand, a representative of each African States Party at ministerial level and, on the other hand, representatives of the European Union and of its Member States at ministerial level.
- (4) The Council shall be convened by its Co-Chairs. The dates of its meetings shall be fixed by common agreement between the parties.
- (5) The Council shall meet alternatively in Brussels or in a place indicated by the African States Party, in accordance with the decision taken by the Council.
- (6) Upon decision of the Co-Chairs, the Council may meet in a virtual or hybrid format should circumstances so require.

Article 3

Co-Chairs

- (1) As provided in Article 92(1) of the Agreement, the Council shall be co-chaired by the Chair nominated by the African States Party, on the one hand, and by a representative of the European Union at political level on the other hand.
- (2) The Office of Chair of the Council shall be held alternately as follows:
 - from 1 April to 30 September by a member of the Government of the African States Party,
 - from 1 October to 31 March by a representative of the European Union at political level.

Article 4

Agenda of meetings

- (1) The provisional agenda for every meeting shall be drawn up by the Chair in the lead. It shall be communicated to the other members of the Council at least 30 days before the beginning of the meeting. The provisional agenda shall consist of those items in respect of which a request for inclusion is received by the Chair in the lead at least 30 days before the beginning of the meeting.
- (2) The items to appear on the provisional agenda shall be those for which documentation has been transmitted to the Secretariat of the Council in time to be forwarded to the members of the Council and to the members of the Africa-EU Committee, hereinafter referred to as ‘the Committee’, at least 21 days before the beginning of the meeting.
- (3) The agenda shall be adopted by the Council at the beginning of each meeting. In urgent cases the Council may decide, at the request of the African States Party or of the European Union, to include on the agenda items for which the time limits laid down in paragraph 1 have not been observed.
- (4) The provisional agenda may be divided into Part A, Part B and Part C:
 - items entered in Part A shall be those which can be approved by the Council without discussion;
 - items entered in Part B shall be those which need to be discussed by the Council before they are approved;
 - items entered in Part C shall be discussed in an informal exchange of views.

Article 5

Proceedings

- (1) In accordance with Article 92(2)(b) of the Agreement, the Council shall adopt decisions that are binding on all Parties to the Africa Regional Protocol unless otherwise specified or make recommendations concerning any of its functions listed in Article 88(4) of the Agreement by common agreement of the Parties.
- (2) Should the Council meet in a virtual or hybrid format, the adoption of decisions and recommendations shall follow the written procedure laid down in Article 6.
- (3) The proceedings of the Council shall be valid only if the representatives of the European Union, at least half of the Member States of the European Union and at least two thirds of the Member States of the Africa Regional Protocol are present.
- (4) All members of the Council unable to attend may be represented. In this case, they shall inform the Chair in the lead and shall indicate the person or delegation authorised to represent them. The representative shall exercise all the rights of the member unable to attend.
- (5) The members of the Council may be accompanied by advisers to assist them.
- (6) The composition of each delegation shall be communicated to the Chair in the lead before the beginning of each session.

- (7) A representative of the European Investment Bank, hereinafter referred to as ‘EIB’, shall be present at sessions of the Council when matters from the areas which concern the EIB are on the agenda.

Article 6

Written procedure

- (1) As provided in Article 92(4)(a) of the Agreement, the Council may take decisions or make recommendations by written procedure. The use of a written procedure may be proposed by any of the Parties and may be initiated following the agreement of the Co-Chairs.
- (2) At the same time as the written procedure is decided upon, a time limit may be fixed within which replies must be given. On the expiry of this time limit, the Chair in the lead may conclude, in view of the replies received, that a common agreement was reached, unless any of the Parties communicates the contrary.

Article 7

Committees and Working Groups

- (1) As provided in Article 92(4)(b) of the Agreement, the Council may set up committees and working groups to deal with specific issues more effectively and efficiently.
- (2) The Council may delegate powers to such committees and working groups.
- (3) The committees and working groups shall submit reports on their work to the Council.
- (4) The committees and working groups may establish their rules of procedure with the agreement of the Council.
- (5) Without prejudice to paragraphs 1 to 4, the Council may, in the course of its meetings, delegate the preparation of its proceedings and conclusions on specific items on the agenda to working groups of ministers composed on a parity basis.

Article 8

Observers

- (1) Representatives of the following countries and organisations may attend sessions of the Council, as observers, upon their request and after acceptance of the Co-Chairs of the Council:
- (a) signatory countries to the Agreement belonging to the African States Party, which, on the date of entry into force of the Agreement have not yet completed the procedures referred to in Article 98 (1) and (2) of the Agreement;
 - (b) countries in Africa applying for accession to the Agreement under the procedures referred to in Article 102 of the Agreement;
 - (c) countries which are members of the OACPS in Africa, but which are not yet party to the Agreement and countries in Africa with observer status in the OACPS;
 - (d) the EU Overseas Countries and Territories (OCTs) in Africa;

- (e) the EU outermost regions in Africa;
 - (f) regional and sub-regional organisations, bodies and groupings from Africa;
 - (g) other third actors, including regional and continental organisations may participate as observers, in sessions of the Council upon their request or at the invitation of the Co-Chairs on an ad-hoc basis.
- (2) The observers participating in a meeting:
- (a) may not vote in formal decision-making procedures, as prescribed in the rules of procedure;
 - (b) may not make oral statements during the meeting, except upon the invitation of the Co-Chairs;
 - (c) may not participate or attend the in-camera sessions;
 - (d) may be invited to participate in specific meetings such as sectoral Ministerial conferences, symposia and expert meetings;
 - (e) may receive non-confidential information and documentation disseminated by the Secretariat.

Article 9

Engagement with stakeholders

- (1) Engagement with stakeholders shall take place in accordance with the open and transparent mechanisms for structured consultation with stakeholders as referred to in Article 95 of the Agreement.
- (2) As provided in Article 95(2), stakeholders shall be informed in a timely manner and be able to provide inputs into the broad process of dialogue, particularly in view of the meetings of the respective Council.

Article 10

Confidentiality and official publications

- (1) Unless otherwise decided, meetings of the Council shall not be public. Access to meetings of the Council shall require a pass.
- (2) Without prejudice to such other provisions as may apply, the deliberations of the Council shall be covered by the obligation of professional secrecy unless the Council decides otherwise.
- (3) Each party may decide to publish the decisions and recommendations of the Council in their respective official publications.

Article 11

Communications and minutes of meetings

- (1) All communications provided for in these rules of procedure shall be transmitted through the Secretariat of the Council to the representatives of each African Member State, the Secretariat of the OACPS, the High Representative of the Union for Foreign Affairs and Security Policy, the Permanent Representatives of the European

Union Member States, the General Secretariat of the Council of the European Union and the European Commission.

- (2) Such communications shall also be sent to the President of the EIB when they concern the EIB.
- (3) Minutes of each meeting shall be drawn up by the Secretariat of the Council and adopted by the Co-Chairs by written procedure, noting in particular the decisions taken by the Council.
- (4) A copy of the minutes shall be forwarded to the recipients referred to in paragraph 1.

Article 12

Documentation

Unless decided otherwise, the Council shall conduct its deliberations on the basis of documents drafted in the official languages of the parties.

Article 13

Forms of acts

- (1) Decisions and recommendations within the meaning of Article 92(3) of the Agreement shall be divided into articles.
- (2) They shall be concluded with the formula ‘Done at ...’, ‘(date)’, the date being the date of their adoption by the Council.
- (3) Decisions within the meaning of Article 92(3) of the Agreement shall be entitled ‘Decision’, followed by a serial number, date of adoption and a description of their subject.
- (4) Decisions shall specify the date on which they are to enter into force. They shall incorporate the following sentence: ‘The African States Party, the European Union and its Member States shall be required, each for its own part, to take the necessary steps to implement this Decision’.
- (5) Recommendations within the meaning of Article 92(3) of the Agreement shall be entitled ‘Recommendation’, followed by a serial number, date of adoption and a description of their subject.
- (6) Decisions and recommendations adopted by the Council shall be signed by the Chair in the lead and shall be kept in the archives of the Council.
- (7) The decisions and recommendations shall be transmitted, through the Secretariat of the Council, to the recipients referred to in Article 11.

Article 14

The Africa-EU Committee

- (1) The Council may delegate powers to the Africa-EU Committee in accordance with Article 92(4)(b) of the Agreement.
- (2) The conditions under which the Africa-EU Committee meets shall be laid down in its rules of procedure.

- (3) The Africa-EU Committee shall prepare the sessions of, and assist, the Council in the fulfilment of its tasks and carry out any mandate entrusted to it by the Council.

Article 15

Participation in the Africa-EU Parliamentary Assembly

When the Council attends meetings of the Africa-EU Parliamentary Assembly it shall be represented by its Co-Chairs.

Article 16

Consistency in EU policies and impact on the implementation of the OACPS-EU Partnership Agreement

- (1) When the OACPS States request consultations pursuant to Article 4(2), of the Agreement, such consultations shall be held promptly, as a general rule within 21 days of the request.
- (2) The body responsible may be the Council, the ALSOC, or an ad hoc Working Group.

Article 17

Secretariat

- (1) The Secretariat of the Council and of the Committee shall be run jointly by two secretaries.
- (2) The two secretaries shall be appointed after joint consultation, one by the Africa States Party and the other by the European Union.
- (3) The secretaries shall perform their duties in complete independence with a view solely to the interests of the Agreement and shall neither seek nor take instructions from any Government, organisation or authority other than the Council and the Committee.
- (4) Correspondence intended for the Council shall be sent to the Co-Chairs thereof at the seat of the Secretariat of the Council.

ANNEX III - Rules of Procedure of the Caribbean-EU Council of Ministers

Article 1

Scope

The provisions under these Rules of Procedure shall be legally binding only on the parties bound to the Caribbean Regional Protocol, according to Article 1(1) of the Caribbean Regional Protocol of the Partnership Agreement between the European Union and its Member States of the one part, and the Members of the Organisation of the African, Caribbean and Pacific States, of the other part signed in Samoa on 15 November 2023, hereinafter referred to as ‘the Agreement’.

Article 2

Dates and locations of meetings

- (1) The Caribbean-EU Council of Ministers, hereinafter referred to as ‘the Council’ shall perform its tasks as provided for in Article 92 of the Agreement. The Council’s decisions and recommendations shall not deviate from the decisions of the OACPS-EU Council of Ministers.
- (2) The Council shall meet in principle every two years and whenever it is deemed necessary on the initiative of the Co-Chairs, in a form and composition appropriate to the issues to be addressed.
- (3) As provided in Article 92(1)(a) of the Agreement, the Council shall comprise, on the one hand, a representative of each Caribbean States Party at ministerial level and, on the other hand, representatives of the European Union) and of its Member States at ministerial level.
- (4) The Council shall be convened by its Co-Chairs. The dates of its meetings shall be fixed by common agreement between the parties.
- (5) The Council shall meet alternatively in Brussels or in a place indicated by the Caribbean States Party, in accordance with the decision taken by the Council.
- (6) Upon decision of the Co-Chairs, the Council may meet in a virtual or hybrid format should circumstances so require.

Article 3

Co-Chairs

- (1) As provided in Article 92(1) of the Agreement, the Council shall be co-chaired by the Chair nominated by the Caribbean States Party, on the one hand, and by a representative of the European Union at political level on the other hand.
- (2) The Office of Chair of the Council shall be held alternately as follows:
 - from 1 April to 30 September by a member of the Government of the Caribbean States Party,
 - from 1 October to 31 March by a representative of the European Union at political level.

Article 4

Agenda of meetings

- (1) The provisional agenda for every meeting shall be drawn up by the Chair in the lead. It shall be communicated to the other members of the Council at least 30 days before the beginning of the meeting. The provisional agenda shall consist of those items in respect of which a request for inclusion is received by the Chair in the lead at least 30 days before the beginning of the meeting.
- (2) The items to appear on the provisional agenda shall be those for which documentation has been transmitted to the Secretariat of the Council in time to be forwarded to the members of the Council and to the members of the Caribbean-EU Committee, hereinafter referred to as ‘the Committee’, at least 21 days before the beginning of the meeting.
- (3) The agenda shall be adopted by the Council at the beginning of each meeting. In urgent cases the Council may decide, at the request of the Caribbean States Party or of the European Union, to include on the agenda items for which the time limits laid down in paragraph 1 have not been observed.
- (4) The provisional agenda may be divided into Part A, Part B and Part C:
 - items entered in Part A shall be those which can be approved by the Council without discussion;
 - items entered in Part B shall be those which need to be discussed by the Council before they are approved;
 - items entered in Part C shall be discussed in an informal exchange of views.

Article 5

Proceedings

- (1) In accordance with Article 92(2)(b) of the Agreement, the Council shall adopt decisions that are binding on all Parties to the Caribbean Regional Protocol unless otherwise specified or make recommendations concerning any of its functions listed in Article 88(4) of the Agreement by common agreement of the Parties.
- (2) Should the Council meet in a virtual or hybrid format, the adoption of decisions and recommendations shall follow the written procedure contained in Article 5.
- (3) The proceedings of the Council shall be valid only if the representatives of the European Union, at least half of the Member States of the European Union and at least two thirds of the Member States of the Caribbean Regional Protocol are present.
- (4) All members of the Council unable to attend may be represented. In this case, they shall inform the Chair in the lead and shall indicate the person or delegation authorised to represent them. The representative shall exercise all the rights of the member unable to attend.
- (5) The members of the Council may be accompanied by advisers to assist them.
- (6) The composition of each delegation shall be communicated to the Chair in the lead before the beginning of each session.

- (7) A representative of the European Investment Bank, hereinafter referred to as 'EIB', shall be present at sessions of the Council when matters from the areas which concern the EIB are on the agenda.

Article 6

Written procedure

- (1) As provided in Article 92(4)(a) of the Agreement, the Council may take decisions or make recommendations by written procedure. The use of a written procedure may be proposed by any of the Parties and may be initiated following the agreement of the Co-Chairs.
- (2) At the same time as the written procedure is decided upon, a time limit may be fixed within which replies must be given. On the expiry of this time limit, the Chair in the lead may conclude, in view of the replies received, that a common agreement was reached, unless any of the Parties communicates the contrary.

Article 7

Committees and Working Groups

- (1) As provided in Article 92(4)(b) of the Agreement, the Council may set up committees and working groups to deal with specific issues more effectively and efficiently.
- (2) The Council may delegate powers to such committees and working groups.
- (3) The committees and working groups shall submit reports on their work to the Council.
- (4) The committees and working groups may establish their rules of procedure with the agreement of the Council.
- (5) Without prejudice to paragraphs 1 to 4, the Council may, in the course of its meetings, delegate the preparation of its proceedings and conclusions on specific items on the agenda to working groups of ministers composed on a parity basis.

Article 8

Observers

- (1) Representatives of the following countries and organisations may attend sessions of the Council, as observers, upon their request and after acceptance of the Co-Chairs of the Council:
- (a) signatory countries to the Agreement belonging to the Caribbean States Party, which, on the date of entry into force of the Agreement have not yet completed the procedures referred to in Article 98 (1) and (2) of the Agreement;
 - (b) countries in the Caribbean applying for accession to the Agreement under the procedures referred to in Article 102 of the Agreement;
 - (c) countries which are members of the OACPS in the Caribbean, but which are not yet party to the Agreement and countries in the Caribbean with observer status in the OACPS;
 - (d) the EU Overseas Countries and Territories (OCTs) in the Caribbean;

- (e) the EU outermost regions in the Caribbean;
 - (f) regional and sub-regional organisations, bodies and groupings from the Caribbean;
 - (g) other third actors, including regional and continental organisations may participate as observers, in sessions of the Council upon their request or at the invitation of the Co-Chairs on an ad-hoc basis.
- (2) The observers participating in a meeting:
- (a) may not vote in formal decision-making procedures, as prescribed in the rules of procedure;
 - (b) may not make oral statements during the meeting, except upon the invitation of the Co-Chairs;
 - (c) may not participate or attend the in-camera sessions;
 - (d) may be invited to participate in specific meetings such as sectoral Ministerial conferences, symposia and expert meetings;
 - (e) may receive non-confidential information and documentation disseminated by the Secretariat.

Article 9

Engagement with stakeholders

- (1) Engagement with stakeholders shall take place in accordance with the open and transparent mechanisms for structured consultation with stakeholders as referred to in Article 95 of the Agreement.
- (2) As provided in Article 95(2), stakeholders shall be informed in a timely manner and be able to provide inputs into the broad process of dialogue, particularly in view of the meetings of the respective Council.

Article 10

Confidentiality and official publications

- (1) Unless otherwise decided, meetings of the Council shall not be public. Access to meetings of the Council shall require a pass.
- (2) Without prejudice to such other provisions as may apply, the deliberations of the Council shall be covered by the obligation of professional secrecy unless the Council decides otherwise.
- (3) Each party may decide to publish the decisions and recommendations of the Council in their respective official publications.

Article 11

Communications and minutes of meetings

- (1) All communications provided for in these rules of procedure shall be transmitted through the Secretariat of the Council to the representatives of each Caribbean Member State, the Secretariat of the OACPS, the High Representative of the Union for Foreign Affairs and Security Policy, the Permanent Representatives of the

European Union Member States, the General Secretariat of the Council of the European Union and the European Commission.

- (2) Such communications shall also be sent to the President of the EIB when they concern the EIB.
- (3) Minutes of each meeting shall be drawn up by the Secretariat of the Council and adopted by the Co-Chairs by written procedure, noting in particular the decisions taken by the Council.
- (4) A copy of the minutes shall be forwarded to the recipients referred to in paragraph 1.

Article 12

Documentation

Unless decided otherwise, the Council shall conduct its deliberations on the basis of documents drafted in the official languages of the parties.

Article 13

Forms of acts

- (1) Decisions and recommendations within the meaning of Article 92(3) of the Agreement shall be divided into articles.
- (2) They shall be concluded with the formula ‘Done at ...’, ‘(date)’, the date being the date of their adoption by the Council.
- (3) Decisions within the meaning of Article 92(3) of the Agreement shall be entitled ‘Decision’, followed by a serial number, date of adoption and a description of their subject.
- (4) Decisions shall specify the date on which they are to enter into force. They shall incorporate the following sentence: ‘The Caribbean States Party, the European Union and its Member States shall be required, each for its own part, to take the necessary steps to implement this Decision’.
- (5) Recommendations within the meaning of Article 92(3) of the Agreement shall be entitled ‘Recommendation’, followed by a serial number, date of adoption and a description of their subject.
- (6) Decisions and recommendations adopted by the Council shall be signed by the Chair in the lead and shall be kept in the archives of the Council.
- (7) The decisions and recommendations shall be transmitted, through the Secretariat of the Council, to the recipients referred to in Article 11.

Article 14

The Caribbean-EU Committee

- (1) The Council may delegate some of its powers to the Caribbean-EU Committee in accordance with Article 92(4)(b) of the Agreement.
- (2) The conditions under which the Caribbean-EU Committee meets shall be laid down in its rules of procedure.

- (3) The Caribbean-EU Committee shall prepare the sessions of, and assist, the Council in the fulfilment of its tasks and carry out any mandate entrusted to it by the Council.

Article 15

Participation in the Caribbean-EU Parliamentary Assembly

When the Council attends meetings of the Caribbean-EU Parliamentary Assembly it shall be represented by its Co-Chairs.

Article 16

Consistency in European Union policies and impact on the implementation of the OACPS-EU Partnership Agreement

- (1) When the OACPS States request consultations pursuant to Article 4(2) of the Agreement, such consultations shall be held promptly, as a general rule within 21 days of the request.
- (2) The body responsible may be the Council, the ALSOC, or an ad hoc Working Group.

Article 17

Secretariat

- (1) The Secretariat of the Council and of the Committee shall be run jointly by two secretaries.
- (2) These two secretaries shall be appointed after joint consultation, one by the Caribbean States Party and the other by the European Union.
- (3) The secretaries shall perform their duties in complete independence with a view solely to the interests of the Agreement and shall neither seek nor take instructions from any Government, organisation or authority other than the Council and the Committee.
- (4) Correspondence intended for the Council shall be sent to the Co-Chairs thereof at the seat of the Secretariat of the Council.

ANNEX IV - Rules of Procedure of the Pacific-EU Council of Ministers

Article 1

Scope

The provisions under these Rules of Procedure shall be legally binding only on the parties bound to the Pacific Regional Protocol, according to Article 1(1) of the Pacific Regional Protocol of the Partnership Agreement between the European Union and its Member States of the one part, and the Members of the Organisation of the African, Caribbean and Pacific States, of the other part signed in Samoa on 15 November 2023, hereinafter referred to as ‘the Agreement’.

Article 2

Dates and locations of meetings

- (1) The Pacific-EU Council of Ministers, hereinafter referred to as ‘the Council’ shall perform its tasks as provided for in Article 92 of the Agreement. The Council’s decisions and recommendations shall not deviate from the decisions of the OACPS-EU Council of Ministers.
- (2) The Council shall meet in principle every two years and whenever it is deemed necessary on the initiative of the Co-Chairs, in a form and composition appropriate to the issues to be addressed.
- (3) As provided in Article 92(1)(a) of the Agreement, the Council shall comprise, on the one hand, a representative of each Pacific States Party at ministerial level and, on the other hand, representatives of the European Union and of its Member States at ministerial level.
- (4) The Council shall be convened by its Co-Chairs. The dates of its meetings shall be fixed by common agreement between the parties.
- (5) The Council shall meet alternatively in Brussels or in a place indicated by the Pacific States Party, in accordance with the decision taken by the Council.
- (6) Upon decision of the Co-Chairs, the Council may meet in a virtual or hybrid format should circumstances so require.

Article 3

Co-Chairs

- (1) As provided in Article 92(1) of the Agreement, the Council shall be co-chaired by the Chair nominated by the Pacific States Party, on the one hand, and by a representative of the European Union at political level on the other hand.
- (2) The Office of Chair of the Council shall be held alternately as follows:
 - from 1 April to 30 September by a member of the Government of the Pacific States Party,
 - from 1 October to 31 March by a representative of the European Union at political level.

Article 4

Agenda of meetings

- (1) The provisional agenda for every meeting shall be drawn up by the Chair in the lead. It shall be communicated to the other members of the Council at least 30 days before the beginning of the meeting. The provisional agenda shall consist of those items in respect of which a request for inclusion is received by the Chair in the lead at least 30 days before the beginning of the meeting.
- (2) The items to appear on the provisional agenda shall be those for which documentation has been transmitted to the Secretariat of the Council in time to be forwarded to the members of the Council and to the members of the Pacific-EU Committee, hereinafter referred to as ‘the Committee’, at least 21 days before the beginning of the meeting.
- (3) The agenda shall be adopted by the Council at the beginning of each meeting. In urgent cases the Council may decide, at the request of the Pacific States Party or of the European Union, to include on the agenda items for which the time limits laid down in paragraph 1 have not been observed.
- (4) The provisional agenda may be divided into Part A, Part B and Part C:
 - items entered in Part A shall be those which can be approved by the Council without discussion;
 - items entered in Part B shall be those which need to be discussed by the Council before they are approved;
 - items entered in Part C shall be discussed in an informal exchange of views.

Article 5

Proceedings

- (1) In accordance with Article 92(2)(b) of the Agreement, the Council shall adopt decisions that are binding on all Parties to the Pacific Regional Protocol unless otherwise specified or make recommendations concerning any of its functions listed in Article 88(4) of the Agreement by common agreement of the Parties.
- (2) Should the Council meet in a virtual or hybrid format, the adoption of decisions and recommendations shall follow the written procedure laid down in Article 5.
- (3) The proceedings of the Council shall be valid only if the representatives of the European Union, at least half of the Member States of the European Union and at least two thirds of the Member States of the Pacific Regional Protocol are present.
- (4) All members of the Council unable to attend may be represented. In this case, they shall inform the Chair in the lead and shall indicate the person or delegation authorised to represent them. The representative shall exercise all the rights of the member unable to attend.
- (5) The members of the Council may be accompanied by advisers to assist them.
- (6) The composition of each delegation shall be communicated to the Chair in the lead before the beginning of each session.

- (7) A representative of the European Investment Bank, hereinafter referred to as 'EIB', shall be present at sessions of the Council when matters from the areas which concern the EIB are on the agenda.

Article 6

Written procedure

- (1) As provided in Article 92(4)(a) of the Agreement, the Council may take decisions or make recommendations by written procedure. The use of a written procedure may be proposed by any of the Parties and may be initiated following the agreement of the Co-Chairs.
- (2) At the same time as the written procedure is decided upon, a time limit may be fixed within which replies must be given. On the expiry of this time limit, the Chair in the lead may conclude, in view of the replies received, that a common agreement was reached, unless any of the Parties communicates the contrary.

Article 7

Committees and Working Groups

- (1) As provided in Article 92(4)(b) of the Agreement, the Council may set up committees and working groups to deal with specific issues more effectively and efficiently.
- (2) The Council may delegate powers to such committees and working groups.
- (3) The committees and working groups shall submit reports on their work to the Council.
- (4) The committees and working groups may establish their rules of procedure with the agreement of the Council.
- (5) Without prejudice to paragraphs 1 to 4, the Council may, in the course of its meetings, delegate the preparation of its proceedings and conclusions on specific items on the agenda to working groups of ministers composed on a parity basis.

Article 8

Observers

- (1) Representatives of the following Countries and organisations may attend sessions of the Council, as observers, upon their request and after acceptance of the Co-Chairs of the Council:
- (a) signatory countries to the Agreement belonging to the Pacific States Party, which, on the date of entry into force of the Agreement have not yet completed the procedures referred to in Article 98 (1) and (2) thereof;
 - (b) countries in the Pacific applying for accession to the Agreement under the procedures referred to in Article 102 of the Agreement;
 - (c) countries which are members of the OACPS in the Pacific, but which are not yet party to the Agreement and countries in the Pacific with observer status in the OACPS;
 - (d) the EU Overseas Countries and Territories (OCTs) in the Pacific;

- (e) regional and sub-regional organisations, bodies and groupings from the Pacific;
 - (f) other third actors, including regional and continental organisations may participate as observers, in sessions of the Council upon their request or at the invitation of the Co-Chairs on an ad-hoc basis.
- (2) The observers participating in a meeting:
- (a) may not vote in formal decision-making procedures, as prescribed in the rules of procedure;
 - (b) may not make oral statements during the meeting, except upon the invitation of the Co-Chairs;
 - (c) may not participate or attend the in-camera sessions;
 - (d) may be invited to participate in specific meetings such as sectoral Ministerial conferences, symposia and expert meetings;
 - (e) may receive non-confidential information and documentation disseminated by the Secretariat.

Article 9

Engagement with stakeholders

- (1) Engagement with stakeholders shall take place in accordance with the open and transparent mechanisms for structured consultation with stakeholders as referred to in Article 95 of the Agreement.
- (2) As provided in Article 95(2), stakeholders shall be informed in a timely manner and be able to provide inputs into the broad process of dialogue, particularly in view of the meetings of the respective Council.

Article 10

Confidentiality and official publications

- (1) Unless otherwise decided, meetings of the Council shall not be public. Access to meetings of the Council shall require a pass.
- (2) Without prejudice to such other provisions as may apply, the deliberations of the Council shall be covered by the obligation of professional secrecy unless the Council decides otherwise.
- (3) Each party may decide to publish the decisions and recommendations of the Council in their respective official publications.

Article 11

Communications and minutes of meetings

- (1) All communications provided for in these rules of procedure shall be transmitted through the Secretariat of the Council to the representatives of each Pacific Member State, the Secretariat of the OACPS, the High Representative of the Union for Foreign Affairs and Security Policy, the Permanent Representatives of the European Union Member States, the General Secretariat of the Council of the European Union and the European Commission.

- (2) Such communications shall also be sent to the President of the EIB when they concern the EIB.
- (3) Minutes of each meeting shall be drawn up by the Secretariat of the Council and adopted by the Co-Chairs by written procedure, noting in particular the decisions taken by the Council.
- (4) A copy of the minutes shall be forwarded to the recipients referred to in paragraph 1.

Article 12

Documentation

Unless decided otherwise, the Council shall conduct its deliberations on the basis of documents drafted in the official languages of the parties.

Article 13

Forms of acts

- (1) Decisions and recommendations within the meaning of Article 92(3) of the Agreement shall be divided into articles.
- (2) They shall be concluded with the formula ‘Done at ...’, ‘(date)’, the date being the date of their adoption by the Council.
- (3) Decisions within the meaning of Article 92(3) of the Agreement shall be entitled ‘Decision’, followed by a serial number, date of adoption and a description of their subject.
- (4) Decisions shall specify the date on which they are to enter into force. They shall incorporate the following sentence: ‘The Pacific States Party, the European Union and its Member States shall be required, each for its own part, to take the necessary steps to implement this Decision’.
- (5) Recommendations within the meaning of Article 92(3) of the Agreement shall be entitled ‘Recommendation’, followed by a serial number, date of adoption and a description of their subject.
- (6) Decisions and recommendations adopted by the Council shall be signed by the Chair in the lead and shall be kept in the archives of the Council.
- (7) The decisions and recommendations shall be transmitted, through the Secretariat of the Council, to the recipients referred to in Article 11.

Article 14

The Pacific-EU Committee

- (1) The Council may delegate some of its powers to the Pacific-EU Committee in accordance with Article 92(4)(b) of the Agreement.
- (2) The conditions under which the Pacific-EU Committee meets shall be laid down in its rules of procedure.
- (3) The Pacific-EU Committee shall prepare the sessions of, and assist, the Council in the fulfilment of its tasks and carry out any mandate entrusted to it by the Council.

Article 15

Participation in the Pacific-EU Parliamentary Assembly

When the Council attends meetings of the Pacific-EU Parliamentary Assembly it shall be represented by its Co-Chairs.

Article 16

Consistency in EU policies and impact on the implementation of the OACPS-EU Partnership Agreement

- (1) When the OACPS States request consultations pursuant to Article 4(2) of the Agreement, such consultations shall be held promptly, as a general rule within 21 days of the request.
- (2) The body responsible may be the Council, the ALSOC, or an ad hoc Working Group.

Article 17

Secretariat

- (1) The Secretariat of the Council and of the Committee shall be run jointly by two secretaries.
- (2) These two secretaries shall be appointed after joint consultation, one by the Pacific States Party and the other by the European Union.
- (3) The secretaries shall perform their duties in complete independence with a view solely to the interests of the Agreement and shall neither seek nor take instructions from any Government, organisation or authority other than the Council and the Committee.
- (4) Correspondence intended for the Council shall be sent to the Co-Chairs thereof at the seat of the Secretariat of the Council.

ANNEX V – Rules of Procedure of the OACPS-EU Ambassadorial Level Senior Officials Committee

Article 1

Dates and locations of meetings

- (1) The OACPS-EU Ambassadorial Level Senior Officials Committee, hereinafter referred to as the ‘ALSOC’, shall perform its tasks as provided for in Article 89 of the Partnership Agreement between the European Union and its Member States of the one part, and the Members of the Organisation of the African, Caribbean and Pacific States, of the other part signed in Samoa on 15 November 2023, hereinafter referred to as ‘the Agreement’.
- (2) As provided in Article 89(1) of the Agreement, the ALSOC shall meet annually and in special sessions at the request of the Co-chairs, and in particular to prepare for the sessions of the OACPS-EU Council of Ministers, hereinafter referred to as ‘the Council’.
- (3) As provided in Article 89(1) of the Agreement, the ALSOC shall comprise, on the one hand, a representative of each OACPS Member at ambassadorial or senior official level and the Secretary General of the OACPS in an *ex officio* capacity and, on the other hand, representatives of the European Union and of its Member States at ambassadorial or senior official level.
- (4) The ALSOC shall be convened by its Co-chairs. The dates of its meetings shall be fixed by common agreement between the parties.
- (5) The ALSOC shall meet in Brussels. In duly justified cases, the ALSOC can meet in a place indicated by the OACPS, in accordance with the decision taken by the Committee.
- (6) Upon decision of the Co-Chairs, the Council may meet in a virtual or hybrid format should circumstances so require.

Article 2

Co-Chairs

As provided in Article 89(1) of the Agreement, the ALSOC shall be co-chaired by the same Parties that hold the office of Co-chairs of the Council.

Article 3

The ALSOC’s functions

- (1) In accordance with Article 89(2) of the Agreement, the ALSOC shall prepare the sessions of, and assist, the Council in the fulfilment of its tasks and carry out any mandate entrusted to it by the Council. In this context, it shall monitor the implementation of the OACPS-EU Agreement and progress towards achieving the objectives set therein.
- (2) The ALSOC shall report to the Council, in particular on matters in which competence has been delegated.

- (3) It shall also submit to the Council any resolution, recommendations or opinions that it considers necessary or appropriate.

Article 4

Agenda of meetings

- (1) The provisional agenda for every meeting shall be drawn up by the Chair in the lead. It shall be communicated to the other members of the ALSOC at least eight days before the date of the meeting.
- (2) The provisional agenda shall include those items in respect of which the Co-chairs have received a request for inclusions ten days before the date of the meeting. The only items to be included on the provisional agenda shall be those for which documentation has been submitted to the Secretariat of the Council in time to be forwarded to the members of the ALSOC at least eight days before the date of the meeting.
- (3) The agenda shall be adopted by the ALSOC at the beginning of each meeting. In urgent cases, the ALSOC may decide, at the request of the OACP States or of the European Union, to include on the agenda items in respect for which the time limits laid down in paragraph 1 have not been observed.

Article 5

Proceedings

- (1) In accordance with Article 89(1) of the Agreement, the ALSOC shall take its decisions and make recommendations by common agreement of the Parties.
- (2) Should the ALSOC meet in a virtual or hybrid format, the adoption of decisions and recommendations shall follow the written procedure laid down in Article 6.
- (3) The proceedings of the ALSOC shall be valid only if the representatives of the European Union, at least half of the permanent representatives of the European Union Member States, and two thirds of the members of the OACPS Committee of Ambassadors are present.
- (4) All members of the ALSOC unable to attend may be represented. In this case, they shall inform the Chair in the lead and shall indicate the person or delegation authorised to represent them. The representative shall exercise all the rights of the member unable to attend.
- (5) ALSOC members may be accompanied by advisers to assist them.
- (6) A representative of the European Investment Bank, hereinafter referred to as ‘the EIB’, shall be present at the ALSOC meetings when matters from the areas which concern the EIB are on the agenda.

Article 6

Written procedure, confidentiality, official publications, documentation and form of acts

Articles 5, 9, 11 and 12 of the rules of procedure of the Council shall apply *inter alia* to the acts adopted by the ALSOC.

Article 7

Observers

- (1) Representatives of the following countries and organisations may attend sessions of the ALSOC, as observers, upon their request and after acceptance of the Co-Chairs of the ALSOC:
 - (a) signatory countries to the Agreement, which, on the date of entry into force of the Agreement have not yet completed the procedures referred to in Article 98 (1) and (2) of the Agreement;
 - (b) countries applying for accession to the Agreement under the procedures referred to in Article 102 of the Agreement;
 - (c) countries which are members of the OACPS, but which are not yet party to the Agreement and countries with observer status in the OACPS;
 - (d) the EU Overseas Countries and Territories (OCTs);
 - (e) the EU outermost regions;
 - (f) regional and sub-regional organisations, bodies and groupings from the OACPS regions;
 - (g) other third actors, including regional and continental organisations may participate as observers, in sessions of the ALSOC upon their request or at the invitation of the Co-Chairs on an ad-hoc basis.
- (2) The observers participating in a meeting:
 - (a) may not vote in formal decision-making procedures, as prescribed in the rules of procedure;
 - (b) may not make oral statements during the meeting, except upon the invitation of the Co-Chairs;
 - (c) may not participate or attend the in-camera sessions;
 - (d) may be invited to participate in specific meetings, such as sectoral ALSOC conferences, symposia and expert meetings;
 - (e) may receive non-confidential information and documentation disseminated by the Secretariat.

Article 8

Communications and minutes of meetings

- (1) All communications provided for in these rules of procedure shall be transmitted through the Secretariat of the Council to the representatives of each OACPS Member, the Secretariat of the OACPS, the High Representative of the Union for Foreign Affairs and Security Policy, the Permanent Representatives of the European Union Member States, the General Secretariat of the Council of the European Union and the European Commission.
- (2) Such communications shall also be sent to the EIB when they concern the EIB.
- (3) Minutes of each meeting shall be drawn up by the Secretariat and adopted by the Co-Chairs by written procedure, noting in particular the decisions taken by the ALSOC.
- (4) A copy of the minutes shall be forwarded to the recipients referred to in paragraph 1.

Article 9

Subcommittees and working groups

- (1) The ALSOC may set up subcommittees or working groups to carry out the work it considers necessary for the accomplishment of the tasks set out in Article 89(2) of the Agreement.
- (2) The ALSOC may delegate powers to such subcommittees and working groups.
- (3) These subcommittees and working groups shall submit reports on their work to the ALSOC.
- (4) The subcommittees and working groups may establish their rules of procedure with the agreement of the ALSOC.
- (5) Without prejudice to paragraphs 1 to 4, the ALSOC may, in the course of its meetings, delegate the preparation of its proceedings and conclusions on specific items on the agenda to working groups of ambassadors composed on a parity basis.

Article 10

Secretariat

The Secretariat of the ALSOC shall be the same as the one for the Council in accordance with Article 16 of the rules of procedure of the Council.

ANNEX VI – Rules of Procedure of the Africa-EU Joint Committee

Article 1

Scope

The provisions under these Rules of Procedure shall be legally binding only on the parties bound to the Africa Regional Protocol, according to Article 1(1) of the Africa Regional Protocol of the Partnership Agreement between the European Union and its Member States of the one part, and the Members of the Organisation of the African, Caribbean and Pacific States, of the other part signed in Samoa on 15 November 2023, hereinafter referred to as ‘the Agreement’.

Article 2

Dates and locations of meetings

- (1) The Africa-EU Joint Committee, hereinafter referred to as the ‘Committee’, shall perform its tasks as provided for in Article 93 of the Agreement.
- (2) The Committee shall meet whenever it is deemed necessary on the initiative of the Co-Chairs, and in particular to prepare for the sessions of the Africa-EU Council of Ministers, hereinafter referred to as ‘the Council’.
- (3) As provided in Article 93(1) of the Agreement, the Committee shall comprise, on the one hand, a representative of each African OACPS Member at ambassadorial or senior official level, and on the other hand, representatives of the European Union and of its Member States at ambassadorial or senior official level.
- (4) The Committee shall be convened by its Co-chairs. The dates of its meetings shall be fixed by common agreement between the parties.
- (5) The Committee shall meet in Brussels. In duly justified cases, the Committee can meet in a place indicated by the African States Party, in accordance with the decision taken by the Committee.
- (6) Upon decision of the Co-Chairs, the Council may meet in a virtual or hybrid format should circumstances so require.

Article 3

Co-Chairs

As provided in Article 93(2) of the Agreement, the Committee shall be co-chaired by the same Parties that hold the office of Co-chairs of the Council.

Article 4

The Committee’s functions

- (1) In accordance with Article 93(3) of the Agreement, the Committee shall prepare the sessions of, and assist, the Council in the fulfilment of its tasks and carry out any mandate entrusted to it by the Council. In this context, it shall monitor the implementation of the Africa Regional Protocol and progress towards achieving the objectives set therein.

- (2) The Committee shall report to the Council, in particular on matters in which competence has been delegated.
- (3) It shall also submit to the Council any resolution, recommendations or opinions that it considers necessary or appropriate.

Article 5

Agenda of meetings

- (1) The provisional agenda for every meeting shall be drawn up by the Chair in the lead. It shall be communicated to the other members of the Committee at least eight days before the date of the meeting.
- (2) The provisional agenda shall include those items in respect of which the Co-chairs have received a request for inclusions ten days before the date of the meeting. The only items to be included on the provisional agenda shall be those for which documentation has been submitted to the Secretariat of the Council in time to be forwarded to the members of the Committee at least eight days before the date of the meeting.
- (3) The agenda shall be adopted by the Committee at the beginning of each meeting. In urgent cases, the Committee may decide, at the request of the African States Party or of the European Union, to include on the agenda items in respect for which the time limits laid down in paragraph 1 have not been observed.

Article 6

Proceedings

- (1) The Committee shall take its decisions and make recommendations by common agreement of the Parties.
- (2) Should the Committee meet in a virtual or hybrid format, the adoption of decisions and recommendations shall follow the written procedure laid down in Article 7.
- (3) The proceedings of the Committee shall be valid only if the representatives of the European Union, at least half of the permanent representatives of the European Union Member States, and two thirds of the members of the African States Party are present.
- (4) All members of the Committee unable to attend may be represented. In this case, they shall inform the Chair in the lead and shall indicate the person or delegation authorised to represent them. The representative shall exercise all the rights of the member unable to attend.
- (5) Committee members may be accompanied by advisers to assist them.
- (6) A representative of the European Investment Bank, hereinafter referred to as 'the EIB', shall be present at the Committee meetings when matters from the areas which concern the EIB are on the agenda.

Article 7

Written procedure, confidentiality, official publications, documentation and form of acts

Articles 6, 10, 12 and 13 of the Rules of Procedure of the Council shall apply *inter alia* to the acts adopted by the Committee.

Article 8

Observers

- (1) As provided in Article 93(2), when appropriate, the Committee may decide to invite observers on the proposal of any Party following the agreement of the Co-chairs.
- (2) The observers participating in a meeting:
 - (a) may not vote in formal decision-making procedures, as prescribed in the rules of procedure;
 - (b) may not make oral statements during the meeting, except upon the invitation of the Co-Chairs;
 - (c) may not participate or attend the in-camera sessions;
 - (d) may be invited to participate in specific meetings such as sectoral Committee conferences, symposia and expert meetings;
 - (e) may receive non-confidential information and documentation disseminated by the Secretariat.

Article 9

Communications and minutes of meetings

- (1) All communications provided for in these Rules of Procedure shall be transmitted through the Secretariat of the Council to the representatives of each African Member State, the Secretariat of the OACPS, the High Representative of the Union for Foreign Affairs and Security Policy, the Permanent Representatives of the European Union Member States, the General Secretariat of the Council of the European Union and the European Commission.
- (2) Such communications shall also be sent to the EIB when they concern the EIB.
- (3) Minutes of each meeting shall be drawn up by the Secretariat and adopted by the Co-Chairs by written procedure, noting in particular the decisions taken by the Committee.
- (4) A copy of the minutes shall be forwarded to the recipients referred to in paragraph 1.

Article 10

Subcommittees and working groups

- (1) The Committee may set up subcommittees or working groups to carry out the work it considers necessary for the accomplishment of the tasks set out in Article 89(2) of the Agreement.
- (2) The Committee may delegate powers to such subcommittees and working groups.
- (3) The subcommittees and working groups shall submit reports on their work to the Committee.
- (4) The subcommittees and working groups may establish their rules of procedure with the agreement of the Committee.
- (5) Without prejudice to paragraphs 1 to 4, the Committee may, in the course of its meetings, delegate the preparation of its proceedings and conclusions on specific items on the agenda to working groups of ambassadors composed on a parity basis.

Article 11

Secretariat

The Secretariat of the Committee shall be the same as the one for the Council in accordance with Article 17 of the Rules of Procedure of the Council.

ANNEX VII – Rules of Procedure of the Caribbean-EU Joint Committee

Article 1

Scope

The provisions under these Rules of Procedure shall be legally binding only on the parties bound to the Caribbean Regional Protocol, according to Article 1(1) of the Caribbean Regional Protocol of the Partnership Agreement between the European Union and its Member States of the one part, and the Members of the Organisation of the African, Caribbean and Pacific States, of the other part signed in Samoa on 15 November 2023, hereinafter referred to as ‘the Agreement’.

Article 2

Dates and locations of meetings

- (1) The Caribbean-EU Joint Committee, hereinafter referred to as the ‘Committee’, shall perform its tasks as provided for in Article 93 of the Agreement.
- (2) The Committee shall meet whenever it is deemed necessary on the initiative of the Co-Chairs, and in particular to prepare for the sessions of the Caribbean-EU Council of Ministers, hereinafter referred to as ‘the Council’.
- (3) As provided in Article 93(1) of the Agreement, the Committee shall comprise, on the one hand, a representative of each Caribbean OACPS Member at ambassadorial or senior official level, and on the other hand, representatives of the European Union and of its Member States at ambassadorial or senior official level.
- (4) The Committee shall be convened by its Co-chairs. The dates of its meetings shall be fixed by common agreement between the parties.
- (5) The Committee shall meet in Brussels. In duly justified cases, the Committee can meet in a place indicated by the Caribbean States Party, in accordance with the decision taken by the Committee.
- (6) Upon decision of the Co-Chairs, the Council may meet in a virtual or hybrid format should circumstances so require.

Article 3

Co-Chairs

As provided in Article 93(2) of the Agreement, the Committee shall be co-chaired by the same Parties that hold the office of Co-chairs of the Council.

Article 4

The Committee’s functions

- (1) In accordance with Article 93(3) of the Agreement, the Committee shall prepare the sessions of, and assist, the Council in the fulfilment of its tasks and carry out any mandate entrusted to it by the Council. In this context, it shall monitor the implementation of the Caribbean Regional Protocol and progress towards achieving the objectives set therein.

- (2) The Committee shall report to the Council, in particular on matters in which competence has been delegated.
- (3) It shall also submit to the Council any resolution, recommendations or opinions that it considers necessary or appropriate.

Article 5

Agenda of meetings

- (1) The provisional agenda for every meeting shall be drawn up by the Chair in the lead. It shall be communicated to the other members of the Committee at least eight days before the date of the meeting.
- (2) The provisional agenda shall include those items in respect of which the Co-chairs have received a request for inclusions ten days before the date of the meeting. The only items to be included on the provisional agenda shall be those for which documentation has been submitted to the Secretariat of the Council in time to be forwarded to the members of the Committee at least eight days before the date of the meeting.
- (3) The agenda shall be adopted by the Committee at the beginning of each meeting. In urgent cases, the Committee may decide, at the request of the Caribbean States Party or of the European Union, to include on the agenda items in respect for which the time limits laid down in paragraph 1 have not been observed.

Article 6

Proceedings

- (1) The Committee shall take its decisions and make recommendations by common agreement of the Parties.
- (2) Should the Committee meet in a virtual or hybrid format, the adoption of decisions and recommendations shall follow the written procedure laid down in Article 6.
- (3) The proceedings of the Committee shall be valid only if the representatives of the European Union, at least half of the permanent representatives of the European Union Member States, and two thirds of the members of the Caribbean States Party are present.
- (4) All members of the Committee unable to attend may be represented. In this case, they shall inform the Chair in the lead and shall indicate the person or delegation authorised to represent them. The representative shall exercise all the rights of the member unable to attend.
- (5) Committee members may be accompanied by advisers to assist them.
- (6) A representative of the European Investment Bank, hereinafter referred to as 'the EIB', shall be present at the Committee meetings when matters from the areas which concern the EIB are on the agenda.

Article 7

Written procedure, confidentiality, official publications, documentation and form of acts

Articles 6, 10, 12 and 13 of the Rules of Procedure of the Council shall apply *inter alia* to the acts adopted by the Committee.

Article 8

Observers

- (1) As provided in Article 93(2), when appropriate, the Committee may decide to invite observers on the proposal of any Party following the agreement of the Co-chairs.
- (2) The observers participating in a meeting:
 - (a) may not vote in formal decision-making procedures, as prescribed in the rules of procedure;
 - (b) may not make oral statements during the meeting, except upon the invitation of the Co-Chairs;
 - (c) may not participate or attend the in-camera sessions;
 - (d) may be invited to participate in specific meetings such as sectoral Committee conferences, symposia and expert meetings;
 - (e) may receive non-confidential information and documentation disseminated by the Secretariat.

Article 9

Communications and minutes of meetings

- (1) All communications provided for in these Rules of Procedure shall be transmitted through the Secretariat of the Council to the representatives of each Caribbean Member State, the Secretariat of the OACPS, the High Representative of the Union for Foreign Affairs and Security Policy, the Permanent Representatives of the European Union Member States, the General Secretariat of the Council of the European Union and the European Commission.
- (2) Such communications shall also be sent to the EIB when they concern the EIB.
- (3) Minutes of each meeting shall be drawn up by the Secretariat and adopted by the Co-Chairs by written procedure, noting in particular the decisions taken by the Committee.
- (4) A copy of the minutes shall be forwarded to the recipients referred to in paragraph 1.

Article 10

Subcommittees and working groups

- (1) The Committee may set up subcommittees or working groups to carry out the work it considers necessary for the accomplishment of the tasks set out in Article 89(2) of the Agreement.
- (2) The Committee may delegate powers to such subcommittees and working groups.
- (3) The subcommittees and working groups shall submit reports on their work to the Committee.
- (4) The subcommittees and working groups may establish their rules of procedure with the agreement of the Committee.
- (5) Without prejudice to paragraphs 1 to 4, the Committee may, in the course of its meetings, delegate the preparation of its proceedings and conclusions on specific items on the agenda to working groups of ambassadors composed on a parity basis.

Article 11

Secretariat

The Secretariat of the Committee shall be the same as the one for the Council in accordance with Article 17 of the Rules of Procedure of the Council.

ANNEX VIII – Rules of Procedure of the Pacific-EU Joint Committee

Article 1

Scope

The provisions under these Rules of Procedure shall be legally binding only on the parties bound to the Pacific Regional Protocol, according to Article 1(1) of the Pacific Regional Protocol of the Partnership Agreement between the European Union and its Member States of the one part, and the Members of the Organisation of the African, Caribbean and Pacific States, of the other part signed in Samoa on 15 November 2023, hereinafter referred to as ‘the Agreement’.

Article 2

Dates and locations of meetings

- (1) The Pacific-EU Joint Committee, hereinafter referred to as the ‘Committee’, shall perform its tasks as provided for in Article 93 of the Agreement.
- (2) The Committee shall meet whenever it is deemed necessary on the initiative of the Co-Chairs, and in particular to prepare for the sessions of the Pacific-EU Council of Ministers, hereinafter referred to as ‘the Council’.
- (3) As provided in Article 93(1) of the Agreement, the Committee shall comprise, on the one hand, a representative of each Pacific OACPS Member at ambassadorial or senior official level, and on the other hand, representatives of the European Union and of its Member States at ambassadorial or senior official level.
- (4) The Committee shall be convened by its Co-chairs. The dates of its meetings shall be fixed by common agreement between the parties.
- (5) The Committee shall meet in Brussels. In duly justified cases, the Committee can meet in a place indicated by the Pacific States Party, in accordance with the decision taken by the Committee.
- (6) Upon decision of the Co-Chairs, the Council may meet in a virtual or hybrid format should circumstances so require.

Article 3

Co-Chairs

As provided in Article 93(2) of the Agreement, the Committee shall be co-chaired by the same Parties that hold the office of Co-chairs of the Council.

Article 4

The Committee’s functions

- (1) In accordance with Article 93(3) of the Agreement, the Committee shall prepare the sessions of, and assist, the Council in the fulfilment of its tasks and carry out any mandate entrusted to it by the Council. In this context, it shall monitor the implementation of the Pacific-EU Protocol and progress towards achieving the objectives set therein.

- (2) The Committee shall report to the Council, in particular on matters in which competence has been delegated.
- (3) It shall also submit to the Council any resolution, recommendations or opinions that it considers necessary or appropriate.

Article 5

Agenda of meetings

- (1) The provisional agenda for every meeting shall be drawn up by the Chair in the lead. It shall be communicated to the other members of the Committee at least eight days before the date of the meeting.
- (2) The provisional agenda shall include those items in respect of which the Co-chairs have received a request for inclusions ten days before the date of the meeting. The only items to be included on the provisional agenda shall be those for which documentation has been submitted to the Secretariat of the Council in time to be forwarded to the members of the Committee at least eight days before the date of the meeting.
- (3) The agenda shall be adopted by the Committee at the beginning of each meeting. In urgent cases, the Committee may decide, at the request of the Pacific States Party or of the European Union, to include on the agenda items in respect for which the time limits laid down in paragraph 1 have not been observed.
- (4) The provisional agenda may be divided into Part A, Part B and Part C.
 - items entered in Part A shall be those which can be approved by the Council without discussion;
 - items entered in Part B shall be those which need to be discussed by the Council before they are approved;
 - items entered in Part C shall be discussed in an informal exchange of views.

Article 6

Proceedings

- (1) The Committee shall take its decisions and make recommendations by common agreement of the Parties.
- (2) Should the Committee meet in a virtual or hybrid format, the adoption of decisions and recommendations shall follow the written procedure laid down in Article 6.
- (3) The proceedings of the Committee shall be valid only if the representatives of the European Union, at least half of the permanent representatives of the European Union Member States, and two thirds of the members of the Caribbean States Party are present.
- (4) All members of the Committee unable to attend may be represented. In this case, they shall inform the Chair in the lead and shall indicate the person or delegation authorised to represent them. The representative shall exercise all the rights of the member unable to attend.
- (5) Committee members may be accompanied by advisers to assist them.

- (6) A representative of the European Investment Bank, hereinafter referred to as ‘the EIB’, shall be present at the Committee meetings when matters from the areas which concern the EIB are on the agenda.

Article 7

Written procedure, confidentiality, official publications documentation and form of acts

Articles 6, 10, 12 and 13 of the Rules of Procedure of the Council shall apply *inter alia* to the acts adopted by the Committee.

Article 8

Observers

- (1) As provided in Article 93(2), when appropriate, the Committee may decide to invite observers on the proposal of any Party following the agreement of the Co-chairs.
- (2) The observers participating in a meeting:
- (a) may not vote in formal decision-making procedures, as prescribed in the rules of procedure;
 - (b) may not make oral statements during the meeting, except upon the invitation of the Co-Chairs;
 - (c) may not participate or attend the in-camera sessions;
 - (d) may be invited to participate in specific meetings such as sectoral Committee conferences, symposia and expert meetings;
 - (e) may receive non-confidential information and documentation disseminated by the Secretariat.

Article 9

Communications and minutes of meetings

- (1) All communications provided for in these Rules of Procedure shall be transmitted through the Secretariat of the Council to the representatives of each Pacific Member State, the Secretariat of the OACPS, the High Representative of the Union for Foreign Affairs and Security Policy, the Permanent Representatives of the European Union Member States, the General Secretariat of the Council of the European Union and the European Commission.
- (2) Such communications shall also be sent to the EIB when they concern the EIB.
- (3) Minutes of each meeting shall be drawn up by the Secretariat and adopted by the Co-Chairs by written procedure, noting in particular the decisions taken by the Committee.
- (4) A copy of the minutes shall be forwarded to the recipients referred to in paragraph 1.

Article 10

Subcommittees and working groups

- (1) The Committee may set up subcommittees or working groups to carry out the work it considers necessary for the accomplishment of the tasks set out in Article 89(2) of the Agreement.
- (2) The Committee may delegate powers to such subcommittees and working groups.
- (3) The subcommittees and working groups shall submit reports on their work to the Committee.
- (4) The subcommittees and working groups may establish their rules of procedure with the agreement of the Committee.
- (5) Without prejudice to paragraphs 1 to 4, the Committee may, in the course of its meetings, delegate the preparation of its proceedings and conclusions on specific items on the agenda to working groups of ambassadors composed on a parity basis.

Article 11

Secretariat

The Secretariat of the Committee shall be the same as the one for the Council in accordance with Article 17 of the Rules of Procedure of the Council.

Done in Brussels, XX X 2024