



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 4.12.2006
COM(2006) 757 final

Proposal for a

COUNCIL DECISION

on a Community position in the Association Council on the implementation of Article 93(3) of the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. Article 93(3) of the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part, deals with the working of the Association Council and states that the latter is to adopt its own rules of procedure.
2. The proposal drawn up by the Commission is closely based on the rules of procedure adopted for the other Euro-Mediterranean Association Agreements.
3. The Council is asked to adopt, in the form of a common Community position, the attached draft Decision of the EU-Algeria Association Council laying down its rules of procedure, to which draft rules of procedure for the Association Committee are appended.

Proposal for a

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on a Community position in the Association Council on the implementation of Article 93(3) of the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular the second subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission¹,

Whereas:

- (1) The Euro-Mediterranean Agreement between the European Community and its Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part, was signed on 22 April 2002 and entered into force on 1 September 2005.
- (2) Article 93(3) of that Agreement states that the Association Council is to adopt its own rules of procedure,

HAS DECIDED AS FOLLOWS:

Sole Article

The position to be adopted by the Community in the Association Council established by the Euro-Mediterranean Agreement concluded between the European Community and its Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part, on the implementation of Article 93(3) of the Agreement shall be based on the draft Decision of the Association Council annexed to this Decision.

Done at Brussels,

*For the Council
The President*

¹ OJ C [...], p. [...].

ANNEX I

Draft

DECISION OF THE EU-ALGERIA ASSOCIATION COUNCIL

laying down the Association Council's rules of procedure

The EU-Algeria Association Council,

Having regard to the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part, and in particular Articles 92 to 100 thereof,

Whereas that Agreement entered into force on 1 September 2005,

HAS DECIDED AS FOLLOWS:

Article 1

Chair

The Association Council shall be chaired alternately for a period of twelve months by a representative of the Presidency of the Council of the European Union, acting on behalf of the European Community and its Member States, and by a representative of the Government of the People's Democratic Republic of Algeria.

The first period shall begin on the date of the first Association Council meeting and end on 15 May 2007.

Article 2

Meetings

The Association Council shall meet regularly at ministerial level once a year. Special sessions of the Association Council may be held if the Parties so agree, at the request of either Party.

Unless otherwise agreed by the Parties, each session of the Association Council shall be held at the usual venue for meetings of the Council of the European Union at a date agreed by both Parties.

The meetings of the Association Council shall be jointly convened by the Secretaries of the Association Council in agreement with the Chair.

Article 3

Representation

The members of the Association Council may be represented if unable to attend. If members wish to be so represented, they shall notify the President of the name of their representative before the meeting at which they are to be so represented.

The representative of a member of the Association Council shall exercise all the rights of that member.

Article 4

Delegations

The members of the Association Council may be accompanied by officials. Before each meeting, the Chair shall be informed of the intended composition of the delegation of each Party.

A representative of the European Investment Bank shall attend the meetings of the Association Council as an observer when matters which concern the Bank appear on the agenda.

The Association Council may, by agreement between the Parties, invite non-members to attend its meetings in order to provide information on particular subjects.

Article 5

Secretariat

An official of the General Secretariat of the Council of the European Union and an official of the Embassy of the People's Democratic Republic of Algeria in Brussels shall act jointly as Secretaries of the Association Council.

Article 6

Correspondence

Correspondence addressed to the Association Council shall be sent to the Chair of the Association Council at the address of the General Secretariat of the Council of the European Union.

The two Secretaries shall ensure that correspondence is forwarded to the Chair of the Association Council and, where appropriate, circulated to the other members of the Association Council. Correspondence circulated shall be sent to the Secretariat-General of the Commission, the Permanent Representations of the Member States and the Embassy of the People's Democratic Republic of Algeria in Brussels.

Communications from the Chair of the Association Council shall be sent to the addressees by the two Secretaries and circulated, where appropriate, to the other members of the Association Council at the addresses indicated in the second paragraph.

Article 7

Non-public nature of meetings

Unless otherwise decided, the meetings of the Association Council shall not be open to the public.

Article 8

Agendas for meetings

1. The Chair shall draw up a provisional agenda for each meeting. It shall be forwarded by the Secretaries of the Association Council to the addressees referred to in Article 6 not later than fifteen days before the beginning of the meeting.

The provisional agenda shall include the items in respect of which the Chair has received a request for inclusion in the agenda not later than twenty-one days before the beginning of the meeting, save that items are not to be placed on the provisional agenda unless the supporting documentation has been forwarded to the Secretaries not later than the date of dispatch of the agenda.

The agenda shall be adopted by the Association Council at the beginning of each meeting. An item other than those appearing on the provisional agenda may be placed on the agenda if the Parties so agree.

2. The Chair may, in agreement with the Parties, shorten the periods specified in paragraph 1 in order to take account of the requirements of a particular case.

Article 9

Minutes

Draft minutes of each meeting shall be taken by the two Secretaries.

The minutes shall, as a general rule, indicate in respect of each item on the agenda:

- the documentation submitted to the Association Council;
- the statements which a member of the Association Council has asked to be entered;
- the decisions taken, the statements agreed upon and the conclusions adopted.

The draft minutes shall be submitted to the Association Council for approval. They shall be approved within six months after each Association Council meeting. When approved, the minutes shall be signed by the Chair and the two Secretaries. The minutes shall be filed in the

archives of the General Secretariat of the Council of the European Union; a certified copy shall be forwarded to each of the addressees referred to in Article 6.

Article 10

Decisions and recommendations

1. The Association Council shall adopt its decisions and recommendations by mutual agreement of the Parties.

In the period between meetings, the Association Council may adopt decisions or recommendations by written procedure if both Parties so agree.

2. The decisions and recommendations of the Association Council within the meaning of Article 94 of the Euro-Mediterranean Agreement shall be entitled respectively "Decision" and "Recommendation" followed by a serial number, the date of their adoption and a description of their subject matter. Each decision shall specify the date of its entry into force.

The decisions and recommendations of the Association Council shall be signed by the Chair and authenticated by the two Secretaries.

Decisions and recommendations shall be forwarded to each of the addressees referred to in Article 6.

The Association Council may decide to order publication of its decisions and recommendations in the *Official Journal of the European Union* and the *Official Journal of the People's Democratic Republic of Algeria*.

Article 11

Languages

The official languages of the Association Council shall be the official languages of the two Parties.

Unless otherwise decided, the Association Council shall base its deliberations on documentation prepared in those languages.

Article 12

Expenses

The European Community and the People's Democratic Republic of Algeria shall each defray the expenses they incur by reason of their participation in the meetings of the Association Council, with regard to both staff, travel and subsistence expenditure and to postal and telecommunications expenditure.

Expenditure in connection with interpreting at meetings, translation and reproduction of documents shall be borne by the European Community, with the exception of expenditure in

connection with interpreting and/or translation into or from Arabic, which shall be borne by the People's Democratic Republic of Algeria.

Other expenditure relating to the material organisation of meetings shall be borne by the Party which hosts the meetings.

Article 13

Association Committee

1. An Association Committee shall have the task of assisting the Association Council in carrying out its duties. It shall be composed of representatives of the European Commission and of representatives of the members of the Council of the European Union, on the one hand, and of representatives of the Government of the People's Democratic Republic of Algeria, on the other hand.
2. The Association Committee shall prepare the meetings and the deliberations of the Association Council, implement the decisions of the Association Council where appropriate and, in general, ensure continuity of the association relationship and the proper functioning of the Euro-Mediterranean Agreement. It shall consider any matter referred to it by the Association Council as well as any other matter which may arise in the course of the day-to-day implementation of the Euro-Mediterranean Agreement. It shall submit proposals or any draft decisions/recommendations to the Association Council for its approval.
3. In cases where the Euro-Mediterranean Agreement refers to an obligation to consult or a possibility of consultation, such consultation may take place within the Association Committee. The consultation may continue in the Association Council if the two Parties so agree.
4. The draft Rules of Procedure of the Association Committee are annexed to this Decision.

This decision shall enter into force on the day of its adoption.

Done at [...]

For the Association Council

The Chair

ANNEX

RULES OF PROCEDURE OF THE ASSOCIATION COMMITTEE

Article 1

Chair

The Association Committee shall be chaired alternately for periods of twelve months by a representative of the European Commission, acting on behalf of the Community and its Member States, and by a representative of the Government of the People's Democratic Republic of Algeria.

The first period shall begin on the date of the first Association Council meeting and end on 15 May 2007.

Article 2

Meetings

The Association Committee shall meet when circumstances require, with the agreement of both Parties.

Each meeting of the Association Committee shall be held at a time and place agreed by both Parties.

The meetings of the Association Committee shall be convened by the Chair.

Article 3

Delegations

Before each meeting, the Chair shall be informed of the intended composition of the delegation of each Party.

Article 4

Secretariat

An official of the European Commission and an official of the Government of the People's Democratic Republic of Algeria shall act jointly as Secretaries of the Association Committee.

All communications to or from the Chair of the Association Committee that are caught by these Rules of Procedure shall be addressed to the Secretaries of the Association Committee and to the Secretaries and Chair of the Association Council.

Article 5

Non-public nature of meetings

Unless otherwise decided, the meetings of the Association Committee shall not be open to the public.

Article 6

Agendas for meetings

1. The Chair shall draw up a provisional agenda for each meeting. It shall be forwarded by the Secretaries of the Association Committee to the addressees referred to in Article 4 not later than fifteen days before the beginning of the meeting.

The provisional agenda shall include the items in respect of which the Chair has received a request for inclusion in the agenda not later than twenty-one days before the beginning of the meeting, save that such items are not to be placed on the provisional agenda unless the supporting documentation has been forwarded to the Secretaries not later than the date of dispatch of the agenda.

The Association Committee may ask experts to attend its meetings in order to provide information on particular subjects.

The agenda shall be adopted by the Association Committee at the beginning of each meeting.

An item other than those appearing on the provisional agenda may be placed on the agenda if the two Parties so agree.

2. The Chair may, in agreement with the two Parties, shorten the periods specified in paragraph 1 in order to take account of the requirements of a particular case.

Article 7

Minutes

Minutes shall be taken for each meeting and shall be based on a summing up by the Chair of the conclusions arrived at by the Association Committee.

After approval by the Association Committee, the minutes shall be signed by the Chair and by the Secretaries and filed by each of the Parties. A copy of the minutes shall be forwarded to each of the addressees referred to in Article 4.

Article 8

Deliberations

In the specific cases where the Association Committee is empowered by the Association Council under the Euro-Mediterranean Agreement to take decisions/recommendations, these

acts shall be entitled respectively 'Decision' and 'Recommendation', followed by a serial number, by the date of their adoption and by a description of their subject matter.

Whenever the Association Committee takes a decision, Articles 10 and 11 of Decision No ... of the Association Council adopting its Rules of Procedure shall be applied *mutatis mutandis*. Decisions and recommendations of the Association Committee shall be forwarded to the addressees referred to in Article 4 of the present Rules of Procedure.

Article 9

Expenses

Each Party shall defray the expenses related to its participation in the meetings of the Association Committee and of any working groups or bodies which might be set up in accordance with Article 98 of the Euro-Mediterranean Agreement, with regard both to staff, travel and subsistence expenditure and to postal and telecommunications expenditure.

Expenditure in connection with interpreting at meetings, translation and reproduction of documents shall be borne by the European Community, with the exception of expenditure in connection with interpreting and/or translation into or from Arabic, which shall be borne by the People's Democratic Republic of Algeria.

Other expenditure relating to the material organisation of meetings shall be borne by the Party which hosts the meetings.