



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 8.12.2006
COM(2006) 776 final

Proposal for a

COUNCIL DECISION

Council Decision on a Community position in the Association Council on the implementation of Article 84 of the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Tunisian Republic, of the other part

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. The Association Agreements form the legal basis for the European Union's relations with the countries participating in the Barcelona Process.
2. The increasing technical complexity of the Union's relations with the southern Mediterranean countries arising from the implementation of the Euro-Mediterranean agreements and of the Neighbourhood Policy requires the working of the institutions of the Agreements to be brought into line with this development. Subcommittees of the association committees have therefore been set up in the framework of the Euro-Mediterranean agreements to monitor implementation of the partnership priorities and the approximation of legislation.
3. The Association Agreement between the EU and Tunisia entered into force on 1 March 1998. Six subcommittees have already been set up: "Internal Market", "Industry, Trade and Services", "Transport, Environment and Energy", "Research and Innovation", "Agriculture and Fisheries" and "Justice and Security". Furthermore, a Customs Cooperation Committee and a Working Group on Social Affairs are also being set up.
4. Human rights and fundamental freedoms form an integral and essential part of the framework governing relations between the European Union and its Mediterranean partners, both within the regional context of the Barcelona process/Euro-Mediterranean partnership and through the bilateral Association Agreements concluded with the Mediterranean partner countries.
5. In this perspective and in line with the Action Plan and Neighbourhood Policy agreed between the EU and Tunisia, the Commission proposes the formal creation of a new Subcommittee on Human Rights and Democracy in addition to the subcommittees or working groups already planned or created under the Association Agreement.
6. In organisational terms, the new subcommittee will be chaired, as far as the EU is concerned, according to the same rules as apply to the Association Committee. When subjects falling under Titles V and VI of the European Union agreement are discussed, a representative of the Council presidency will chair the committee and also express the position of the Member States. In such cases the Commission will be fully involved in discussions on the approach to be followed and the objectives to be achieved during the meeting of the subcommittee.
7. The objective, the subjects covered by the subcommittee and the implementing procedures are contained in the rules of procedure at annex. The tasks and rules of procedure of the subcommittee have been discussed informally with the Tunisian authorities.

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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 Commission,¹

Whereas:

- (1) The Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Tunisian Republic, of the other part, was concluded on 17 July 1995 and entered into force on 1st March 1998,.
- (2) Article 84 of that Agreement states that the Association Council may decide to set up any working group or body necessary for the implementation of the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The position to be adopted by the Community in the Association Council established by the Euro-Mediterranean Agreement concluded between the European Communities and their Member States, of the one part, and the Tunisian Republic, of the other part, on the implementation of Article 84 of the Agreement, shall be based on the draft Decision of the Association Council annexed to this Decision.

Article 2

The Subcommittee shall be composed of representatives of the European Community and its Member States and representatives of the Government of the Tunisian Republic and shall be chaired alternately by the two parties. A representative of the European Commission will chair the Subcommittee on behalf of the European Community and its Member States and speak on matters falling within the Community's competences. For matters falling within

¹ OJ C [...], [...], p. [...].

Titles V and VI of the Treaty of the European Union, the position of the EU will be expressed by a representative of the Council Presidency. Full consistency of the EU position will be ensured. The Member States will be informed and invited to the meetings of the Subcommittee.

Done at Brussels,

For the Council
The President

ANNEX

Draft of 1.6.2006

DECISION OF THE EU-TUNISIA ASSOCIATION COUNCIL

creating a Subcommittee on Human Rights and Democracy

The EU-Tunisia Association Council,

Having regard to the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Tunisian Republic, of the other part,

Whereas :

- (1) Respect for democratic principles, human rights and fundamental freedoms forms an integral and essential part of the framework governing relations between the European Union and its Mediterranean partners.
- (2) Given their importance as an essential component of the Association Agreement, these subjects will be duly discussed within the various bodies set up by the Agreement.
- (3) The Neighbourhood Policy sets itself ambitious aims based on mutually recognised attachment to shared values encompassing democracy, the rule of law, good governance and respect for human rights.
- (4) The increasing technical complexity of the Union's relations with the southern Mediterranean countries arising from the implementation of the Euro-Mediterranean agreements and the continuation of the Euro-Mediterranean partnership.
- (5) Implementation of the partnership's priorities and approximation of legislation should be monitored. The EU's competences provide a framework for developing relations with the Mediterranean countries in a way that takes account of the need for the whole Barcelona Process to be coherent and balanced.
- (6) The European Union has already decided to create subcommittees for the Association Committee in order to provide an appropriate institutional framework for implementing and enhancing cooperation.
- (7) Article 84 of the Agreement provides for the setting up of the working groups or bodies necessary for the implementation of the Agreement.

HAS DECIDED AS FOLLOWS:

Sole article

The Subcommittee on Human Rights and Democracy is hereby set up and its rules of procedure, set out in Annex 1, are hereby adopted.

Issues within the remit of the Subcommittee on Human Rights and Democracy can also be addressed at higher levels in the political dialogue between the EU and Tunisia.

The Association Committee shall take any other action needed to ensure that the Subcommittee operates properly and inform the Association Council accordingly.

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

Done at [...]on [...]

For the Association Council

ANNEX I

Rules of Procedure

EU/Tunisia subcommittee No 7

Human Rights and Democracy

1. Composition and chair

The Subcommittee shall be composed of representatives of the European Community and its Member States and representatives of the Government of the Tunisian Republic and shall be chaired alternately by the two parties.

2. Role

The Subcommittee shall work under the authority of the Association Committee, to which it shall report after each meeting. The Subcommittee shall have no decision-making power. It may, however, submit proposals to the Association Committee.

3. Topics

The Subcommittee shall discuss the implementation of the Association Agreement in the areas listed below. It shall also serve as the principal technical mechanism for monitoring the implementation of human rights and democracy measures under the Neighbourhood Policy EU-Tunisia Action Plan. In particular, it shall assess progress on approximation of laws, implementation and enforcement. Where relevant, cooperation in public administration matters shall be discussed in accordance with the Neighbourhood Action Plan. The Subcommittee shall evaluate progress and examine any problems that may arise in the sectors listed below and shall suggest steps that might be taken..

- 3.a - The rule of law and democracy, including in particular: strengthening democracy and the rule of law; the independence of the judiciary, access to justice and the modernisation of the latter.
- 3.b - Ratifying and implementing the principal international conventions on human rights and fundamental freedoms and progress in the process of ratifying the optional protocols relating to the agreements to which Tunisia is party.
- 3.c - Strengthening of national administrative and institutional capacity.

The above list is not exhaustive and other relevant subjects, including horizontal matters, e.g. statistics, may be added by the Association Committee, in particular as regards implementation of EU-Tunisia cooperation measures. Individual cases may also be raised where requested by one or other of the parties.

The Subcommittee may discuss matters relating to one, several or all of the above sectors.

4. Secretariat

An official of the European Commission and an official of the Government of Tunisia shall act jointly as permanent secretaries of the Subcommittee.

All communications concerning the Subcommittee shall be forwarded to the secretaries.

5. Meetings

The Subcommittee shall meet whenever circumstances require and at least once a year. A meeting may be convened on the basis of a request from either party, channelled through their secretary, who will pass the request onto the other party. Upon receipt of a request for a Subcommittee meeting, the secretary of the other party shall reply within 15 working days.

Each meeting of the Subcommittee shall be held at a time and place agreed by both parties.

The meetings shall be convened by the secretary in charge in agreement with the chair. Before each meeting, the chair will be informed of the intended composition of each party's delegation.

If both parties agree, the Subcommittee may invite experts to its meetings to provide specific information.

6. Agenda of the meetings

All requests for items to be included on the Subcommittee's agenda shall be forwarded to the secretaries.

A provisional agenda shall be drawn up by the chair for each meeting. It shall be forwarded by the secretary in charge to his or her counterpart not later than ten days before the beginning of the meeting.

Items for inclusion in the provisional agenda must be notified to the secretaries at least fifteen days before the beginning of the meeting. Supporting documentation must be received by both parties at least seven days ahead of the meeting. To take account of special and/or urgent cases, later notification and supply of documentation may be allowed, provided both parties agree.

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

7. Minutes

Minutes shall be taken and agreed by both secretaries after each meeting. A copy of the minutes, including the Subcommittee's proposals, shall be forwarded by the secretaries of the Subcommittee to the secretaries and chair of the Association Committee.

8. Publicity

Unless otherwise decided, the meetings of the Subcommittee shall not be public and its proceedings shall be confidential.