

ACP/25/012/06

Khartoum, 6th December 2006

**DECISIONS, RESOLUTIONS & DECLARATION
OF THE 84TH SESSION OF THE ACP COUNCIL OF MINISTERS
HELD IN KHARTOUM, SUDAN
FROM 4th TO 6th DECEMBER 2006**

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**DECISION No.1/LXXXIV/06
OF THE 84TH SESSION OF THE ACP COUNCIL OF MINISTERS
HELD IN KHARTOUM, SUDAN,
FROM 4TH TO 6TH DECEMBER 2006**

ACP SECRETARIAT'S BUDGET FOR 2007
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The ACP Council of Ministers,

- Meeting in Khartoum (Sudan) from 4th to 6th December 2006;

HAVING REGARD TO the provisions of the Georgetown Agreement (Article 27) and the Financial Regulations of the ACP Secretariat;

HAVING CONSIDERED the ACP Secretariat's draft budget for 2007 (ACP/45/022/06 Rev.3) as recommended by the Committee of Ambassadors;

HEREBY DECIDES:

- a. **to adopt** the 2007 budget with income and expenditure amounting to **€10 581 440**;
- b. **the budget** shall be financed as follows :
 - Contributions from ACP States €4 598 650
 - EDF Contribution €4 839 000
 - Tax revenue € 975 000
 - Reserve Fund € 168 790

Done in Khartoum on 6th December 2006

**Hon. Dr. ELTIGANI SALIH FEDAIL
Minister of International Cooperation of the Republic of Sudan
For the President of Council**

**DECISION NO. 2/LXXXIV/06
OF THE 84TH SESSION OF THE ACP COUNCIL OF MINISTERS
HELD IN KHARTOUM, SUDAN,
FROM 4TH TO 6TH DECEMBER 2006**

GRANTING DISCHARGE TO THE AUTHORISING OFFICER FOR FINANCIAL YEAR 2005
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The ACP Council of Ministers,

- Meeting in Khartoum (Sudan) from 4th to 6th December 2006;

HAVING REGARD TO Article 38 of the Financial Regulations of the ACP Secretariat [ACP/45/018/03 Rev. 3] ;

WHEREAS the External Auditor has certified that the Secretariat's accounts for 2005 provide a *'true and fair view of the financial situation and results of the Secretariat'* ;

HEREBY DECIDES TO:

- a. **approve** the External Auditor's report for financial year 2005; and
- b. **grant** discharge to the Authorising officer for financial year 2005.

Done in Khartoum on 6th December 2006

**Hon. Dr. ELTIGANI SALIH FEDAIL
Minister of International Cooperation of the Republic of Sudan
For the President of Council**

**DECISION NO.3/LXXXIV/06
OF THE 84TH SESSION OF THE ACP COUNCIL OF MINISTERS
HELD IN KHARTOUM, SUDAN,
FROM 4TH TO 6TH DECEMBER 2006**

APPOINTMENT OF THE EXTERNAL AUDITOR FOR FINANCIAL YEAR 2006
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The ACP Council of Ministers,

- Meeting in Khartoum (Sudan) from 4th to 6th December 2006;

HAVING REGARD TO the provisions of Articles 33 and 34 of the Financial Regulations of the ACP Secretariat [ACP/018/03 Rev. 3] ;

TAKING ACCOUNT OF the Committee of Ambassadors' recommendation to appoint the firm TOELEN, CATS, MORLIE & Co. (TCLM) to audit the Secretariat's accounts for financial year 2006;

HEREBY DECIDES :

to appoint the audit firm TOELEN, CATS, MORLIE & Co (TCLM) as external auditors of the Secretariat's accounts for 2006.

Done in Khartoum on 6th December 2006

**Hon. Dr. ELTIGANI SALIH FEDAIL
Minister of International Cooperation of the Republic of Sudan
For the President of Council**

**DECISION No. 4/LXXXIV/06
OF THE 84th SESSION OF THE ACP COUNCIL OF MINISTERS
HELD IN KHARTOUM, SUDAN
FROM 4th TO 6th DECEMBER 2006**

**ACQUISITION OF A NEW HEADQUARTERS FOR
THE ACP GROUP**

The ACP Council of Ministers,

- Meeting in Khartoum (Sudan) from 4th to 6th December 2006;

CONSIDERING the increase in the ACP Group's activities and the lack of both office space and meetings rooms in the current ACP building;

RECALLING Decision No. 5/LI/90 of 30 November 1990 adopted at its 51st session mandating the Committee of Ambassadors to adopt the relevant measures for the acquisition of a more adequate building to serve as a permanent seat for the ACP Group of States;

TAKING INTO ACCOUNT various consultations between the ACP Secretariat and the European Commission since 2003 to implement Council's decision, including the hire of a specialised team composed of an architect/engineer and a real estate financial expert under the Intra-ACP TCF facility;

TAKING INTO ACCOUNT ALSO that the specialised team is currently carrying out a factual analysis of the real estate market in Brussels and drafting proposals and procedures for the acquisition of a new Headquarters;

HEREBY DECIDES TO:

- a. **authorise** the Secretary General to conduct an independent valuation of the current building and proceed with the practical modalities to prepare the current building for sale;
- b. **approve** the Committee of Ambassadors' recommendation to utilise the proceeds from the sale as financial contribution towards the new acquisition;

- c. mandate** the Committee of Ambassadors' to adopt the tender and adhoc procedures and any other relevant measures acceptable to the ACP Group for the sale of the current building and for the acquisition of a new headquarters and present a report on the implementation of this decision at its 86th session.

Done in Khartoum on 6th December 2006

Hon. Dr. ELTIGANI SALIH FEDAIL
Minister of International Cooperation of the Republic of Sudan
For the President of Council

**DECISION NO. 5/LXXXIV/06
OF THE 84TH SESSION OF THE ACP COUNCIL OF MINISTERS
HELD IN KHARTOUM, SUDAN,
FROM 4TH TO 6TH DECEMBER 2006**

FUTURE OF THE ACP GROUP

The ACP Council of Ministers,

- Meeting in Khartoum (Sudan) from 4th to 6th December 2006;

HAVING REGARD TO the Georgetown Agreement as amended by Decision No.1/LXXVII/03 of the 78th session of the ACP Council of Ministers held in Brussels, Belgium, on 27 and 28 November 2003;

HAVING REGARD TO the ACP-EU Partnership Agreement signed in Cotonou, Benin, on 23 June 2000, specifically in its Article 95 according to which the Agreement shall be concluded for a period of twenty years beginning 1 March 2000;

BEARING IN MIND that the ongoing negotiations for the Economic Partnership Agreement (EPA) are to be concluded in December 2007 and that the EPAs should come into force on 1 January 2008;

HAVING REGARD TO the European Commission's decision to implement separate strategies for Africa, the Caribbean and the Pacific;

AWARE of the need to maintain and strengthen unity and solidarity within the ACP Group;

TAKING NOTE of the Committee of Ambassadors' interim report on the future of the ACP Group;

HEREBY DECIDES TO:

- a. **mandate** the Committee of Ambassadors to pursue discussions on the future of the ACP Group;

- b. request** that the Committee of Ambassadors submit a preliminary report to the Council of Ministers at its 85th session and a final report at its 86th session.

Done in Khartoum on 6th December 2006

Hon. Dr. ELTIGANI SALIH FEDAIL
Minister of International Cooperation of the Republic of Sudan
For the President of Council

**DECISION No. 6/LXXXIV/06
OF THE 84th SESSION OF THE ACP COUNCIL OF MINISTERS
HELD IN KHARTOUM, SUDAN
FROM 4th TO 6th DECEMBER 2006**

ECONOMIC PARTNERSHIP AGREEMENTS (EPAs)

The ACP Council of Ministers,

- Meeting in Khartoum (Sudan) from 4th to 6th December 2006;

- A. **RECALLING** the objectives contained in the Georgetown Agreement and the Cotonou Partnership Agreement;

- B. **RECALLING** the Declaration of the 4th Summit of ACP Heads of State and Government held on 23 and 24 June 2004 in Maputo, Mozambique, with regard to economic development dimension; and Decision No. 5 of that Summit on the Economic Partnership Agreements (EPAs);

- C. **RECALLING** Decision No.2 of the 83rd Session of the ACP Council of Ministers on EPAs;

- D. **HAVING REGARD** to the reports on EPA negotiations at the regional level, which in general indicate lack of sufficient progress in all aspects of the negotiations and in particular the delay by the European Commission to respond to certain issues proposed by the ACP negotiators related, *inter alia*, to the development dimension, market access and regional integration;

- E. **HAVING REGARD** to the outcome of the African Union Summit held in Banjul, Gambia in July 2006, which, *inter alia*, addressed the issues of harmonization of Africa's Regional Economic Communities including the over-lapping membership and the incongruence between the Economic Partnership Agreement negotiating configurations and the regional integration groupings;

- F. **HAVING REGARD** to the outcome of the meetings of the ACP and the Joint ACP-EC Ministerial Trade Committee meetings held in Brussels from 26 to 28 June 2006;

- G. **HAVING REGARD** to the ACP-EU Joint Parliamentary Assembly Resolution *ACP-EU 3958/06/fin* on the review of negotiations on Economic Partnership Agreements (EPAs) adopted on 23 November 2006 in Bridgetown, Barbados;

- H. **HAVING REGARD** to the decisions of the EU General Affairs and Economic Relations Council of 24 May 2005, 10 April 2006 and 16 October 2006 in which EU Members States reiterate their political commitment to ensure EPAs will serve as development instruments for ACP States and regions and that in this regard the Community will provide financing under its Aid for Trade commitments;
- I. **HAVING REGARD** to the provisions of Article 37.4 of the Cotonou Agreement and the Joint ACP-EU Declaration on the comprehensive review of EPA negotiations with a view to, inter alia, determining whether additional time is needed for the preparation and negotiation of the EPAs;
- J. **HAVING ALSO REGARD** also to the provisions of Article 37.6 of the Cotonou Agreement whereby the European Community undertakes to assess the situation of non-LDC ACP States which after consultations with the Community decide they are not in a position to enter into EPAs, and will examine all alternative possibilities, in order to provide these countries with a new framework for trade which is equivalent to their existing situation and in conformity with WTO rules;
- K. **WHEREAS** the EPAs should result in all ACP States becoming better off and therefore should not be concluded at any cost ;
- L. **HAVING REGARD** to Article 35.1 of the Cotonou Agreement which provides that “the economic and trade cooperation shall be based on a true, strengthened and strategic partnership. It shall further be based on a comprehensive approach which builds on the strengths and achievements of the previous ACP-EC Conventions, using all means available to achieve the objectives set out above by addressing supply and demand side constraints. In this context, particular regard shall be had to trade development measures as a means of enhancing ACP States’ competitiveness. Appropriate weight shall therefore be given to trade development within the ACP States’ development strategies, which the Community shall support”.
- M. **WHEREAS** the principal objectives of ACP regions in undertaking the EPA negotiations is sustainable development, achieved by the structural transformation of their economies; increase in the production and supply capacity of their countries; promotion of sustained growth; and to eventual eradication of poverty;
- N. **WHEREAS** there is a great need to prioritize national and regional policy formulation and to build implementation capacities in ACP countries in advance of any trade liberalization and other commitments being proposed by the European Commission in the context of negotiations;

- O. **CONSIDERING** the need to ensure that EPAs take into account ACP countries' concerns such as the terms of adjustment and building of the supply capacities, market access including the product coverage and transitional period, as well as financing of trade related infrastructure;
- P. **REITERATING** that the ACP regions should be allowed to pursue their regional integration processes at a pace that is commensurate with their political, economical and social capacities;
- Q. **RECOGNIZING** the importance of the services industries for the development of most ACP States and emphasizing that EPA negotiations should address services in a manner that builds capacities among ACP services suppliers before ACP countries are required to open their markets to EU enterprises;

DECIDES TO:

- a. **urge** the ACP negotiating regions to remain engaged and focused on the above and other relevant issues of the negotiations with the objective of securing an agreement that will achieve the development objectives that we have set for ourselves while at least preserving the "acquis" and safeguarding the benefits of existing ACP-EU arrangements.
- b. **mandate** the ACP Ministers responsible for EPA negotiations to meet in Brussels in the early part of 2007 to examine all outstanding issues on the negotiations and to make recommendations on the way forward including whether additional time is required to conclude the negotiations and report to the next special Council session which will be held in Brussels during the 1st half of 2007. To prepare the EPA Ministerial meeting, the Technical Follow-up Group on EPA negotiation shall meet before and inter alia, consider the outcome of the formal and comprehensive review of EPA negotiations for all ACP regions.

Done in Khartoum on 6th December 2006

Hon. Dr. ELTIGANI SALIH FEDAIL
Minister of International Cooperation of the Republic of Sudan
For the President of Council

**RESOLUTION
OF THE 84TH SESSION OF THE ACP COUNCIL OF MINISTERS
HELD IN KHARTOUM, SUDAN
FROM 4TH TO 6TH DECEMBER 2006**

COTTON

The ACP Council of Ministers,

- Meeting in Khartoum (Sudan) from 4th to 6th December 2006;

- A. **Having regard to** the resolution on cotton adopted by the 81st session of the ACP Council of Ministers held in Brussels on 21 and 22 June 2005 ;

- B. **Recalling** the decision of the European Council of 22 April 2004 on the reform of the Community's cotton market, which was welcomed by the ACP Group and negotiators at the WTO as a sign of the European Union's firm commitment towards stabilising the international cotton market;

- C. **Considering** that the programme for the implementation of the EU-Africa Cotton Partnership has only just completed its preparation cycle, and that the partnership adopted in Paris on 6 July 2004 was considered a framework for the rapid implementation of actions designed to provide urgent solutions to the threats to the survival of the cotton producers in Africa ;

- D. **Concerned** at the decision of 7 September 2006 of the Court of Justice of the European Communities to cancel the new European aid to cotton regime;

- E. **Deploring** the fact that the suspension of the negotiations of the Doha Programme has caused the cotton dossier to be pushed into the background ;

- F. **Recalling that** it was to forestall such a situation that the ACP Group has always preferred that the cotton dossier be treated in a framework other than that of the customary negotiations on agriculture;

- G. **Noting** with satisfaction, however, that the technical negotiations have resumed, and that multilateral consultations are being held to facilitate the complete and official resumption of the negotiations;

- H. **Stressing** that although difficulties are being experienced in efforts to reach agreement in the negotiations on the WTO's Doha Development Agenda, the development partners must, nonetheless, respect the commitments made on several occasions to provide specific support to strengthen the cotton sector in the African countries ;

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- I. **Convinced** that to effectively reduce poverty in the ACP cotton-producing countries, an urgent solution must be found to the problems faced by the cotton farmers who are among the poorest people in these countries;
1. **Reiterates** the firm support of the ACP Group for the battle being waged by the ACP cotton-producing countries to improve the living conditions of the cotton farmers who are among the poorest peoples in these countries ;
 2. **Urges** the European Union to fully appreciate the urgent nature of the situation in the cotton sector and the considerable delay already experienced in implementing the EU-Africa Plan of Action on Cotton so that the support programme for the commodities sector could be set up as quickly as possible and in the best conditions possible, with the necessary autonomy for the support programme for the EU-Africa Plan of Action on Cotton;
 3. **Calls on** the international organisations responsible for implementing the programme to cooperate with each other and the local stakeholders in the ACP countries so that they could truly benefit from the resources made available through the programme ;
 4. **Urges** the European Union not to jeopardise the advantages to be derived from the 65% decoupling contained in the European cotton market reform of April 2004;
 5. **Reminds** the European Union that as it seeks to respond to the injunctions of the European Communities Court of Justice, any rolling-back of the reduction in internal support for cotton production will have disastrous consequences for the farmers in the African countries and on the multilateral negotiations;
 6. **Appeals** to all WTO Members to formally resume the negotiations in the framework of the Doha Development Agenda and, throughout the negotiating process, to pay particular attention to cotton in view of its special and ambitious treatment;
 7. **Appeals** also to all the development partners to respect their commitments and to come together quickly to redynamise the organisation of support to strengthen the cotton sector in the African countries and to provide the sector with the resources necessary to its survival and development ;

8. **Calls on** the representatives of the ACP cotton-producing countries to the European Union and the World Trade Organisation to meet quickly to prepare the resumption of the discussions on the cotton dossier;
9. **Instructs** the President of the ACP Council of Ministers to forward this resolution to the Council of the European Union, the European Parliament, the European Commission and the WTO.

Done in Khartoum on 6th December 2006

**RESOLUTION
OF THE 84TH SESSION OF THE ACP COUNCIL OF MINISTERS
HELD IN KHARTOUM, SUDAN
FROM 4TH TO 6TH DECEMBER 2006**

SUGAR

The ACP Council of Ministers,

- Meeting in Khartoum (Sudan) from 4th to 6th December 2006;
- A. **HAVING REGARD** to the resolution on sugar adopted by the 83rd session of the ACP Council of Ministers held in Port Moresby, Papua New Guinea, from 28 to 31 May 2006;
- B. **RECALLING** the adoption by the Council of the European Union of a new regulation (EC N° 318/2006) relating to the reform of the Community's sugar regime, which imposes a 36% price cut over a four-year period beginning 2006-2007, with consequent devastating effects on the small, landlocked and vulnerable economies of the ACP States;
- C. **NOTING** the adoption by the European Union's EDF Committee, on 19 September 2006, of the multi-annual strategy for the implementation of the accompanying measures of 13 beneficiary countries of the Sugar Protocol;
- D. **NOTING ALSO** the approval on 17 October 2006, by the EU Council of the total amount of 1.244 billion euros to finance the accompanying measures to the countries under the Sugar Protocol in the framework of the reform of the European Union's sugar regime, for the period 2007-2013 and that that amount is less than the permanent loss in revenue estimated at 1.77 billion euros under the new EU sugar regime;
- E. **STRESSING** that to maximise the utilisation of the allocated resources and to facilitate the ownership of actions, it is imperative to take into account the management rules and mechanisms existing in the beneficiary countries;
- F. **WELCOMING** the agreement reached in the trilogue involving the European Commission, the Council of the EU and the European Parliament to provide 165 million euros for 2007;
- G. **RECALLING** that the European Parliament in its resolution on the reform of the community sugar regime adopted in January 2006, had proposed that 200 million euros be allocated annually to the ACP Sugar Protocol countries and that an independent study conducted by at least one Member State and by other independent consultants gave conservative estimates of the ACP countries' adjustment needs at 500 million euros and 250 million euros per year, respectively;

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- H. **WELCOMING** the agreement between the ACP countries and the European Commission on the creation of an *ad hoc* discussion framework for the follow-up of the implementation of the accompanying measures so as to ensure swift disbursement of funds and the timely and effective re-allocation of unutilized resources, and this is still more important in view of the inadequacy of resources;
- I. **CONCERNED** by reports according to which the impact of the reform in terms of the reduction in quota sugar production in Europe may fall below expectation and that this situation could affect the balance in the EU sugar market;
- J. **CONSIDERING** that the ACP States have legitimate expectations for additional market access that the impending accession of Bulgaria and Romania to the EU in 2007 will offer while ensuring that the ACP countries have the capacity to supply, on a secure and predictable basis, as they have done following the accession of Portugal, Finland and Slovenia;
- K. **NOTING** the release of a second tranche of Complementary Quantity is expected by the European Commission in December 2006, following the first tranche of 82 500 tonnes of which 70 000 tonnes were allocated to the countries under the Sugar Protocol;
- L. **WELCOMING** the decision of the ACP-EC Council of Ministers of 2 June 2006 to earmark 100 million euros from allocations to the Investment Facility so as to enable the sugar industries of the Sugar Protocol countries to finance projects and programmes to enhance their competitiveness;
- M. **NOTING** with grave concern that, although the Sugar Protocol is an integral part of the EU Sugar Regime under which it is implemented, the adjustment needs of the ACP Sugar Protocol countries to adapt to the EU sugar regime reform are not being adequately addressed. Indeed, the burden of the reform has been disproportionately and unfairly passed on to the ACP, namely the unjust burden of the refining aid to the ACP resulting in an unnecessary 5.1 percent reduction in their guaranteed price effective from the 2006-2007 delivery period;
- N. **NOTING** that the negotiations on the ACP guaranteed prices for the period 2006-2007 will take place in the context of the new conditions created by the reform as the new sugar regime has changed the basis for the price negotiations as the ACP earnings for sugar exports under the Sugar Protocol will be less than the income for the EU farmers which will comprise both the guaranteed price and direct de-coupled income support;

- O. **CONCERNED** that the ACP sugar export earnings under the Sugar Protocol will be further eroded and considerably reduced following the significant rise in transport, freight and insurance costs which the ACP States have to bear;
- P. **STRESSING** that in the framework of the formal and comprehensive review of the EPA negotiations under Article 37.4 of the Cotonou Agreement, special attention be given to the situation of the Sugar Protocol, in accordance with Article 36.4 of the same Agreement, in particular for the EU to honour its political and legal obligations to safeguard the benefits derived from the Sugar Protocol taking into account its special legal status;
- Q. **NOTING** the ongoing ACP internal discussions on the permanent reallocation of the shortfall of St Kitts and Nevis, and the decision to convene dedicated Ministerial consultations on sugar during the first quarter of 2007, inter alia, to conclude the issue of the permanent reallocation of the shortfall of St Kitts and Nevis on the basis of the consensus reached at the ACP Ministerial Consultations held on 3 December 2006 in Khartoum;
- R. **WELCOMING** the support of civil society organizations for the just cause and legitimate expectations of the ACP States on the dire economic, social and environmental consequences of the sugar regime reform on the sustainable development of the Sugar Protocol countries, thereby compromising their ability to meet their Millennium Development Goal objectives;
- S. **COMMENDING** the commitment recently expressed by Commissioner Mandelson to preserve the benefits that ACP countries derive from the commodity protocols, and the sugar protocol in particular;
- T. **NOTING** the gradual resumption of discussions, at the technical level, of the WTO Doha Development Agenda following their suspension in July 2006;

1. Calls on the European Union and the European Commission to:

- i. **make available** on a predictable and ring-fenced basis to the ACP countries concerned adequate resources for the financing of the accompanying measures for 2006;
- ii. **render effective** the *ad hoc* mechanism for the follow-up of the implementation of the accompanying measures and to work regularly with the ACP countries under the Sugar Protocol so that the allocated resources can be fully utilized on a timely basis;

- iii. **explore** every possibility to increase the annual amounts to at least 250 million euros; including from uncommitted 9th EDF resources in the framework of the accompanying measures to finance the multi-annual adjustment strategies for the sugar industries of the ACP countries signatory to the Sugar Protocol to ensure the long term profitability and sustainability of their sugar industries;
- iv. **take** steps to ensure that a substantial portion of support provided for in the framework of the accompanying measures is disbursed in the early years of the reform so as to facilitate the initiation of all the necessary actions and to benefit from the visibility required for their realisation ;
- v. **avoid** any decision in the implementation of the sugar regime that might cause even more harm to the economies of the Sugar Protocol countries particularly actions to reduce sugar production in the European Union ;
- vi. **specify** in the framework of the formal and comprehensive review of the EPAs the measures they intend to take to safeguard the benefits that the ACP countries derive from the Sugar Protocol as provided for under Article 36.4 of the Cotonou Agreement, whose integrity and guarantees are maintained and entrenched;
- vii. **open**, as early as possible, the maximum volume of the Complementary Quantity so as to ensure the shipment of economic consignments;
- viii. **take** account of the new environment created by the reform of the sugar regime and the principles applied in fixing the prices paid to the different EU sugar producers, to include economic factors such as transportation and insurance costs, which are relevant economic factors for the ACP, in determining the guaranteed price negotiated for the ACP countries ;
- ix. **ensure** that the European Commission is given the necessary mandate to hold meaningful negotiations and provide satisfactory responses to the demands from the ACP countries for a price that takes into account all the relevant economic factors;
- x. **provide** additional market access opportunities to the ACP States concerned following accession of Bulgaria and Romania, on the same terms and conditions as under the Sugar Protocol;

- xi. **stipulate** as soon as possible the modalities to expedite access to the 100 million euros interest subsidy by sugar industries of the Sugar Protocol countries in the framework of the Investment Facility;
 - xii. **expedite** the finalisation and adoption of the research projects and ensure the timely commitment of the 13 million euros earmarked for this purpose;
 - xiii. **support** the efforts of the ACP countries by stressing, in the framework of the resumption of the negotiations of Doha Development Agenda, the preservation of the long-standing preferences, the maintenance of the Special Safeguard clause, and the declaration by the EU of sugar as a sensitive product.
2. **Instructs** the President of the Council of Ministers to forward this resolution to the European Commission, the Council of the European Union and the European Parliament.

Done in Khartoum on 6th December 2006

**RESOLUTION
OF THE 84TH SESSION OF THE ACP COUNCIL OF MINISTERS
HELD IN KHARTOUM FROM 4TH TO 6TH DECEMBER 2006**

LDC SUGAR

The ACP Council of Ministers,

- Meeting in Khartoum (Sudan) from 4th to 6th December 2006;
- A. **HAVING REGARD** to the resolution on LDC Sugar adopted by the 83rd session of the ACP Council of Ministers held in Port Moresby (Papua New Guinea) from 28 to 31 May 2006 ;
- B. **HAVING REGARD** to the Second Framework Agreement on sugar adopted in Port Moresby on 29th May 2006 which reconfirms an orderly management system for the Everything But Arms (EBA) Sugar Interim Quota for the period between 1 July 2006 and 30 June 2009;
- C. **RECALLING** the adoption by the Commission of European communities a new regulation (EC N° 1100/2006) on 17 July 2006, laying down for the marketing years 2006/07, 2007/08 and 2008/09, detailed rules for the opening and administration of tariff quotas for raw cane-sugar for refining, originating in least developed countries, as well as detailed rules applying to the importation of products of tariff heading 1701 originating in least developed countries ;
- D. **STRESSING** that although the least developed countries that export sugar to the European Union in the framework of the EBA Initiative do not benefit from the same contractual framework as that which links the Sugar Protocol countries to the European Communities, they also suffer the negative effects of the reform of the European Sugar Regime;
- E. **RECALLING** that owing to these consequences and, in the absence of any support measures, the LDCs run the risk of losing the advantages that they have begun to derive from the opportunities offered by the export of sugar to the European market ;
- F. **WELCOMING** the modification of the Terms of Reference of the Intra-ACP sugar research programme financed by the EDF, so that the results of the research will now be made available to all ACP sugar-producing countries instead of the sole ACP Sugar Protocol Countries as stated earlier ;

G. **CONCERNED** that the decision published in the European Union Official Journal implies that only ACP countries under the Sugar Protocol will benefit from the additional 100 million euros expected to be made available for the EIB in the framework of the Investment Facility to encourage investment in the sugar sector;

1. Calls on the European Union and the European Commission

- i. **to fully honour** their confirmation that under the EBA initiative for sugar referred to in article 12 of the GSP Council Regulation(EC) 980/2005, that LDC imports of sugar from 1 July 2009 are guaranteed to enter the European Union market free of any duties ;
- ii. **to make provision** for the inclusion of all ACP sugar-producing countries to benefit from the funds that will be made available in the framework of the Investment Facility ;
- iii. **to confirm** the inclusion of all ACP sugar-producing countries in the activities and results of the EDF financed Intra-ACP sugar research programme.

2. Requests the President of the Council of Ministers to forward this resolution to the European Commission, the Council of the European Union, the EU Member States and the European Parliament.

Done in Khartoum on 6th December 2006

**RESOLUTION
OF THE 84TH SESSION OF THE ACP COUNCIL OF MINISTERS
HELD IN KHARTHOUM, SUDAN
FROM 4TH TO 6TH DECEMBER 2006**

TUNA

The ACP Council of Ministers,

- Meeting in Khartoum (Sudan) from 4th to 6th December 2006;

- A. **RECALLING** the objectives contained in the Georgetown Agreement and the Cotonou Agreement;

- B. **WHEREAS** in the context of the WTO Doha negotiations fish and fishery products including tuna loins and canned tuna are being considered under Non-Agriculture Market Access;

- C. **BEARING** in mind that in the 2001 Doha WTO Ministerial conference the Tuna section was sacrificed in exchange for the EC to maintain the WTO waiver in favour of the ACP Group;

- D. **WHEREAS** the EU is set to open negotiations with Association of Southeast Asian Nations (ASEAN) countries;

- E. **NOTING** the need to create a viable method to take into account the specificities of the global canned tuna market, without jeopardising the ACP tuna industry and putting at risk the economic development of the concerned ACP countries;

- F. **ASSERTING** that maintaining the 24% tariff on tuna imports in the European Union is essential to maintain the equilibrium on the European market between developing countries in the ACP and South East Asian countries;

- G. **AWARE** of the need to allow Tuna canning industries to maintain their activity in their countries as well as in Europe, thereby contributing to the economic development of ACP countries;

- 1. **Requests** the European Union to maintain the MFN 24% tariff on tuna imports which can be achieved through the carve-out for the tuna sector from the application of the Swiss formula in the WTO negotiations, in order to take fully into account the effect of preference erosion and the exclusion of canned tuna from the scope of a possible Free-Trade Agreement.

2. **Requests** the President of Council to forward this resolution to the European Commission and to the President of European Parliament as well as the President of the Council of the European Union.

Done in Khartoum on 6th December 2006

**RESOLUTION
OF THE 84TH SESSION OF THE ACP COUNCIL OF MINISTERS
HELD IN KHARTHOUM, SUDAN
FROM 4TH TO 6TH DECEMBER 2006**

DUMPING OF TOXIC WASTE IN ACP STATES

The ACP Council of Ministers ,

- Meeting in Khartoum (Sudan) from 4th to 6th December 2006;
- A. HAVING REGARD TO** the Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basle Convention), adopted on 22 March 1989, as well as the ban on all forms of exports of hazardous waste from OCDE countries into non-OCDE member states;
- B. CONSIDERING** the Bamako Convention on the Ban on the import into Africa and the control of their Transboundary Movements adopted in Bamako (Mali) on 30 January 1991 by the Organisation of the African Unity (OAU) Member States as a result of the inadequacies of the Basle Convention with respect to developing countries, especially since it does not prohibit the export of toxic substances to developing countries;
- C. HAVING REGARD TO** article 32.1(d) of the Cotonou Agreement on cooperation on environmental protection and sustainable utilization of natural resources, aiming at taking into account issues relating to the transport and disposal of hazardous wastes;
- D. HAVING REGARD TO** the European Community legislation relating to the movement of waste, especially (EC) Council Regulation no. 259/93 of 1 February 1993, concerning the monitoring and control of the entry and exit of wastes into and from the European Community, as well as the European Parliament and Council Regulation (EC) NO. 1013/2006 of 14 June 2006 concerning the transfer of waste abrogating (EEC) Regulation no. 259/93 with effect from 12 July 2007
- E. TAKING TO ACCOUNT** the Declaration of the United Nations Conference on the Human Environment (Stockholm, 1972), the Cairo Guidelines and Principles for the Environmentally sound management of hazardous waste adopted by the Governing Council of the United Nations Environmental Programme (UNEP) by decision 14/30 of 17 June 1987;

- F. HAVING REGARD TO** the Brussels declaration on Environment and Sustainable Development by ACP Ministers of Environment meeting in December 2004 which among others issues called upon development partners to complement national and regional resource mobilisation efforts by contributing to environmental programmes designed to manage, protect and sustainably utilize the available natural resources and to address issues related to chemical and hazardous waste management;
- G. AWARE** that on 19 August 2006, the Greek vessel, PROBO KOALA, flying a Panamanian flag, and belonging to the Trafigura Company, dumped approximately 528 m³ of liquid chemical waste on several sites in and around the district of Abidjan, Cote d'Ivoire;
- H. CONSIDERING** the tragic effects of the dumping of toxic waste in Abidjan, Côte d'Ivoire, on the population including the fact that approximately ten persons died while some 100 000 people suffering from nose bleeds, diarrhea, nausea, irritated eyes, and respiratory problems were admitted to hospital after inhaling the toxic fumes from the highly toxic waste;
- I. CONSIDERING** further the magnitude of this health and environmental disaster and its unprecedented nature that will require Côte d'Ivoire with its already limited resources to utilise substantial financial and technical means;
- J. STRESSING** that this waste could have been treated legally and without any adverse effects, in Europe;
- K. CONSIDERING** also that developing countries have on numerous occasions been the victims of the dumping of all types of hazardous waste from developed countries;
- L. EMPHASIZING** that most developing countries have insufficient resources to manage the extremely adverse effects on the populations and environment affected by these toxic waste products.
- 1 **Condemns** the transboundary transport of toxic waste to the ACP countries, which are a direct threat to the health and wellbeing of their people as well as for the sustainable management of natural resources and environmental protection,
- 2 **Expresses** to the Government and people of Cote d'Ivoire its full support and sympathy for the loss of human lives suffered, and calls on the International Community to provide appropriate material and financial assistance to the Government of Cote d'Ivoire;

- 3 **Calls** on the International Community and the European Union, in particular, to cooperate and to undertake the necessary measures to provide the required necessary assistance and cooperation for the victims who have suffered the effects of the dumping of toxic and hazardous waste material,
- 4 **Calls** on all states to adopt and rigorously implement the agreements currently in force governing the dumping of toxic waste or hazardous products and to cooperate fully to prevent any dumping,
- 5 **Urges** all states to ratify the amendments to the Basle Convention,
- 6 **Appeals** to the European Union to help the ACP countries to build their capacities to effectively combat any attempt to dump toxic and hazardous products on their territories,
- 7 **Appeals** to the International Community and the European Union, in particular, to ensure better cooperation in terms of the exchange of information on the transportation of toxic waste and other dangerous products in ACP countries and other developing countries,
- 8 **Invites** states to adopt the appropriate legislative measures to define as criminal acts, any violation of the international agreements in effect concerning the dumping of toxic and hazardous waste and materials when these are intentionally committed, particularly regarding the elimination, treatment, storage, transport, export or import of dangerous waste products that may cause death or serious harm to persons or cause substantial damage to the quality of the air, soil, water, and flora and fauna.
- 9 **Requests** the President of the Council of Ministers to forward this resolution to the European Commission, the EU Member States, the European Parliament and the OECD.

Done in Khartoum on 6th December 2006

Declaration on the Political Situation in Fiji

The African, Caribbean and Pacific (ACP) Council of Ministers meeting in Khartoum, Sudan in their 84th Session has learned with great concern about the take over of Prime Minister Laisenia Qarase's Government by the Fiji Military Forces, barely six months after it was given the mandate to govern by the people of Fiji in what was considered by international observers as free; fair, peaceful and transparent democratic elections in June 2006.

The ACP Council of Ministers reaffirms its commitment to the principle of democracy and the rule of law as the basis for resolving problems using lawful means through democratic processes and institutions.

They therefore condemn the overthrow of the democratically and constitutionally elected government of Fiji by the Fijian military.

They urge the Military to restore constitutional order and reinstate the government within the shortest possible time so as to secure the peace and well-being of the people of Fiji.

Done in Khartoum, Sudan on 6 December 2006