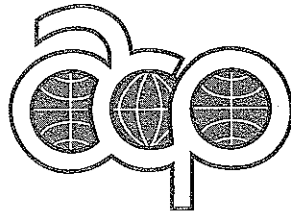


Groupe des Etats d'Afrique
des Caraïbes et du Pacifique
{Groupe ACP}



African, Caribbean and
Pacific Group of States
{ACP Group}

REFERENCE ACP/25/011/11/mgf
[Final version] *EOA*

Brussels, 9th December 2011

DECISIONS AND RESOLUTIONS OF THE
94th SESSION OF THE ACP COUNCIL OF MINISTERS
HELD IN BRUSSELS (BELGIUM)
FROM 7th TO 9th DECEMBER 2011 *EOA*

DECISION No. 1/XCIV/11
OF THE 94TH SESSION OF THE ACP COUNCIL OF MINISTERS
HELD IN BRUSSELS, BELGIUM, FROM 7 TO 9 DECEMBER 2011 2009

7TH SUMMIT OF ACP HEADS OF STATE AND GOVERNMENT

The ACP Council of Ministers,

- Meeting in Brussels, Belgium, from 7 to 9 December 2011,

HAVING REGARD to Article 7 of the Georgetown Agreement on the Summit of ACP Heads of State and Government;

HAVING REGARD to Paragraph 38 of the Libreville Declaration whereby the ACP Heads of State and Government who met at their first Summit in Libreville, Gabon, on 6 and 7 November 1997, undertook to meet on a regular basis and mandated the Council of Ministers to make the necessary arrangements to this end;

HAVING EXAMINED ACP Committee of Ambassadors' Report to the Council of Ministers, in particular the addendum on the organisation of a seventh Summit of ACP Heads of States and Government [ACP/28/030/1];

CONSIDERING that developments in the international arena and in the partnership between the ACP Group of States and the European Union, since the last ACP Summit in Accra, Ghana on 2 and 3 October 2008, make it advisable to hold a Summit as soon as possible, to afford ACP Heads of State and Government the opportunity to review these developments and provide the ACP Council of Ministers with appropriate directives;

HAVING CONSIDERED the offer from the Government of the Republic of Equatorial Guinea to host the next Summit of ACP Heads of State and Government,

HEREBY DECIDES:

- 1) **To recommend** the convening of the 7th Summit of the Heads of State and Government in 2012;
- 2) **To accept** the offer from the Government of the Republic of Equatorial Guinea to host the 7th Summit of ACP Heads of State and Government, and duly thanks the authorities of Equatorial Guinea;

DECISION No. 2/XCIV/11
OF THE 94TH SESSION OF THE ACP COUNCIL OF MINISTERS
HELD IN BRUSSELS, BELGIUM, FROM 7 TO 9 DECEMBER 2011 eoa

**DISCHARGE TO THE AUTHORIZING OFFICER FOR FINANCIAL
YEAR 2010**

The ACP Council of Ministers,

- Meeting in Brussels, Belgium, from 7 to 9 December 2011,

HAVING REGARD TO Article 18 (h) of the Financial Regulations of the Secretariat of the ACP Group [Document ACP/45/018/03 Rev. 4];

IN CONSIDERATION OF THE FACT THAT the External Auditor has certified that the Secretariat's accounts for 2010 provide a *"true and fair view of the financial position and results of the Secretariat"*;

HEREBY DECIDES TO:

1. Approve the External Auditor's report for financial year 2010; and
2. Grant discharge to the Authorizing Officer for financial year 2010.

Done in Brussels on 9 December 2011 eoa



Hon. Okello Henry Oryem, M.P.
**Ag. Minister of Foreign Affairs/Minister of State for
International Cooperation of the Republic of Uganda**
President of the ACP Council of Ministers

DECISION No.3/XCIV/11
OF THE 94TH SESSION OF THE ACP COUNCIL OF MINISTERS
HELD IN BRUSSELS, BELGIUM, FROM 7 TO 9 DECEMBER 2011 *2011*

APPOINTMENT OF THE EXTERNAL AUDITORS FOR FINANCIAL YEAR
2011, 2012 AND 2013

The ACP Council of Ministers,

- Meeting in Brussels, Belgium from 07 to 09 December 2011;

HAVING REGARD to the provisions of article 18 (c) of the Financial Regulations of the ACP Secretariat [Document ACP/45/018/03 Rev. 4];

TAKING ACCOUNT OF the Committee of Ambassadors' recommendation to appoint the firm VRC REVISEURS D'ENTREPRISES to audit the ACP Secretariat's accounts for financial years 2011, 2012 and 2013;

HEREBY DECIDES to appoint the audit firm VRC REVISEURS D'ENTREPRISES as external auditors of the Secretariat's accounts for 2011, 2012 and 2013. *2011*

Done in Brussels on 9 December 2011



Hon. Okello Henry Oryem, M.P.
Ag. Minister of Foreign Affairs/Minister of State for
International Cooperation of the Republic of Uganda
President of the ACP Council of Ministers

DECISION No.4/XCIV/11
OF THE 94TH SESSION OF THE ACP COUNCIL OF MINISTERS
HELD IN BRUSSELS, BELGIUM, FROM 7 TO 9 DECEMBER 2011 *l.c.a*

JOB CLASSIFICATION AND SALARY SCALE REVIEW OF THE ACP SECRETARIAT

The ACP Council of Ministers,

- Meeting in Brussels, Belgium, from 7 to 9 December 2011,

HAVING REGARD to the Georgetown Agreement, particularly Article 25 thereof;

HAVING REGARD to the Headquarters Agreement signed between the ACP Group and the Belgian government;

RECALLING its **Decisions No. 2/LXXVIII/03** of 28 November 2003 and **No. 6/LXXXII/05** of 9 December 2005, regarding proposals for the reclassification of Secretariat posts and the revision of its Salary Scales;

DESIROUS of the need to align the conditions of service of the ACP Secretariat staff members with international standards and practice;

HEREBY DECIDES:

1. To adopt the Master Standards of Classification promulgated by the International Civil Service Commission (ICSC) for the classification of the ACP Secretariat posts. Whereby, the grades of the Secretary General post and the Assistant Secretaries General posts shall be equated to the United Nations Under Secretary General (USG) and United Nations Director (D2) level, respectively;
2. That the ACP Secretariat Salary Scales shall be aligned with the ICSC remuneration tables.;
3. That the salary scales of the General Service category in Geneva shall be aligned to the UN General Service salary scales, and shall be denominated in Swiss Francs;
4. To phase in the new job classifications and salary scales over a period of three (3) years commencing no later than 2013 and mandate the Committee of Ambassadors to develop a timetable in collaboration with the ACP Secretariat;

H. O.

DECISION No. 5/XCIV/11
OF THE 94TH SESSION OF THE ACP COUNCIL OF MINISTERS
HELD IN BRUSSELS, BELGIUM, FROM 7 TO 9 DECEMBER 2011 eog

STAFF REGULATIONS OF THE ACP SECRETARIAT

The ACP Council of Ministers,

- Meeting in Brussels, Belgium, from 7 to 9 December 2011,

HAVING REGARD to the Georgetown Agreement, particularly Article 25 thereof;

HAVING REGARD to the Headquarters Agreement signed between the ACP Group and the Belgian Government of April 1993;

HAVING REGARD to Council's **Decision No. 7/LXXXVIII/08** of 18 December 2008 through which it instructed the Committee of Ambassadors to put forward proposals for the review of the Staff Regulations of the ACP Secretariat with a view to ensuring, *inter alia*, more effective legal protection of the interests of the ACP Group;

ACKNOWLEDGING the need to align the conditions of service of the ACP Secretariat staff members with international standards and practice;

HEREBY DECIDES:

1. To adopt the Staff Regulations as set out in document [ACP/41/050/11 Rev.1] and the accompanying annexes with effect from 1 January 2012.
2. That the adopted Staff Regulations shall be submitted to the Belgian government for ratification in order to ensure that they take precedence over local labour legislation. eog

Done in Brussels on 9 December 2011



Hon. Okello Henry Oryem, M.P.

Ag. Minister of Foreign Affairs/Minister of State for
International Cooperation of the Republic of Uganda
President of the ACP Council of Ministers

DECISION No. 6/XCIV/11
OF THE 94TH SESSION OF THE ACP COUNCIL OF MINISTERS
HELD IN BRUSSELS, BELGIUM, FROM 7 TO 9 DECEMBER 2011 eoa

SOCIAL SECURITY FOR LOCAL CATEGORY MEMBERS OF STAFF

The ACP Council of Ministers,

- Meeting in Brussels, Belgium, from 7 to 9 December 2011,

HAVING REGARD to Article 23 of the Headquarters Agreement signed between the ACP Group and the Belgian Government of April 1993;

RECALLING its Decisions No. 2/LXXVIII/03 of 28 November 2003 and No. 6/LXXXII/05 of 9 December 2005, regarding the conditions of service for Local Category members of staff;

WITH A VIEW to ensuring that the ACP Secretariat complies with international labour laws in general and the local labour and social security laws with regard to locally recruited members of staff, in particular;

HEREBY DECIDES to mandate the ACP Secretariat to urgently look into this critical and complex problem and make recommendations, through the Committee of Ambassadors, to the 95th Session of the Council of Ministers. eoa

Done in Brussels on 9 December 2011



Hon. Okello Henry Oryem, M.P.
Ag. Minister of Foreign Affairs/Minister of State for
International Cooperation of the Republic of Uganda
President of the ACP Council of Ministers

DECISION No. 7/XCIV/11
OF THE 94TH SESSION OF THE ACP COUNCIL OF MINISTERS
HELD IN BRUSSELS, BELGIUM, FROM 7 TO 9 DECEMBER 2011 *209*

POST OF UTILITY DRIVER OF THE ACP SECRETARIAT

The ACP Council of Ministers,

- Meeting in Brussels, Belgium, from 7 to 9 December 2011,

HAVING REGARD to the Georgetown Agreement, particularly Article 25 thereof;

RECALLING its **Decisions No. 1/LXXXVI/07** of 13 December 2007 in which it approved a revised organigram of the ACP Secretariat wherein the post of Utility Driver was abolished;

HAVING EXAMINED the observations of the Committee of Ambassadors regarding the difficulties faced by the ACP Secretariat following the abolition of the post in the aforementioned decision;

BEARING IN MIND the need to ensure the effective and efficient running of the ACP Secretariat;

HEREBY DECIDES to approve the reinstatement of the post of Utility Driver with effect from 1 January 2012.

Done in Brussels on 9 December 2011 *209*



Hon. Okello Henry Oryem, M.P.
Ag. Minister of Foreign Affairs/Minister of State for
International Cooperation of the Republic of Uganda
President of the ACP Council of Ministers

DECISION No. 8/XCIV/11
OF THE 94TH SESSION OF THE ACP COUNCIL OF MINISTERS
HELD IN BRUSSELS, BELGIUM, FROM 7 TO 9 DECEMBER 2011 *EOG*

ACP SECRETARIAT'S BUDGET FOR FINANCIAL YEAR 2012

The ACP Council of Ministers,

- Meeting in Brussels, Belgium, from 7 to 9 December 2011,

HAVING REGARD TO the provisions of the Georgetown Agreement, in particular Article 27, and Articles 5 and 6 of the Financial Regulations of the Secretariat of the ACP Group;

HAVING EXAMINED the ACP Secretariat's draft budget for 2012 [Document **ACP45/016/11 Rev. 2**] as recommended by the Committee of Ambassadors;

HEREBY DECIDES to adopt the ACP Secretariat's budget for 2012, with income and expenditure amounting to Euro **12 736 532**, to be financed as follows:

- Member State Contributions	€6,076,605
- EDF Contributions	€5,015,000
- Income from tax deductions	€1,230,681
- Arrears in Contribution	€ 414,246

Done in Brussels on 9 December 2011 *EOG*



Hon. Okello Henry Oryem, M.P.
Ag. Minister of Foreign Affairs/Minister of State for
International Cooperation of the Republic of Uganda
President of the ACP Council of Ministers

DECISION No. 9/XCIV/11
OF THE 94TH SESSION OF THE ACP COUNCIL OF MINISTERS
HELD IN BRUSSELS, BELGIUM, FROM 7 TO 9 DECEMBER 2011 *EDA*

ACQUISITION OF A NEW HEADQUARTERS FOR THE ACP GROUP

The ACP Council of Ministers,

- Meeting in Brussels, Belgium, from 7 to 9 December 2011,

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;

HAVING REGARD to long standing consultations between the ACP Secretariat and the European Union since 2001 to implement Council's decision concerning the new ACP House as follows:

TAKING INTO ACCOUNT the study conducted by Cushman & Wakefield, Healey & Baker in 2003 to assess the market value of the ACP House and analyse the real estate needs of the ACP Secretariat;

TAKING INTO ACCOUNT the study conducted by Hydroplan in 2006 on the acquisition of a new ACP Secretariat Headquarters including the preparation of tender procedures and advertisement for the purchase of a new building and the sale of the current building;

RECALLING Decision No. 4/LXXXIV/06 of the 84th Session of the ACP Council of Ministers held in Khartoum, Sudan from 4th to 13th December 2006, approving the Committee of Ambassador's recommendation that a new building be acquired and in principle, utilise the proceeds from the sale of the current building as financial contribution towards a new acquisition;

RECALLING the request to the ACP Secretariat to examine the possibilities of refurbishing the current ACP Building for which Grontmij/Carl Bro conducted a feasibility study on the refurbishment of the Secretariat Building, supporting the previous study of 2003 that the cost of refurbishment is high with no prospective return on investment;

RECALLING Decision No. 2/XCIII/11 of the 93rd Session of the ACP Council of Ministers held in Brussels, Belgium, from 26th to 29th May 2011 reaffirming its previous decision to purchase a new ACP House;

H. O

RESOLUTIONS ₂₀₉

RESOLUTION
OF THE 94th SESSION OF THE ACP COUNCIL OF MINISTERS
HELD IN BRUSSELS (BELGIUM) FROM 7th TO 9th DECEMBER 2011 *2011*

BANANAS

The ACP Council of Ministers,

- Meeting in Brussels, (Belgium), from 7th to 9th December 2011,

- A. HAVING REGARD TO** the Resolution on Bananas adopted by the 93rd session of the ACP Council of Ministers held in Brussels (Belgium), from 26 to 29 May 2011;
- B. HAVING REGARD TO** the Geneva Agreement on Trade in Bananas concluded in Geneva on 15 December 2009 between the European Union (EU) and certain Latin American countries and the United States of America;
- C. RECALLING** the letter sent to the ACP Spokesperson on Bananas on 15 December 2009 by the EU Commissioners for Trade and Development, informing of the setting up of Banana Accompanying Measures (BAM), on the sole condition that the ACP not oppose the certification of the EU's new banana tariff in the World Trade Organisation (WTO);
- D. EMPHASISING** that the BAM are an integral part of the December 2009 package which was accepted by the ACP Group;
- E. NOTING** the European Commission's final decision to allocate only €190 million to the BAM, with a possible increase to €200 million, as the maximum commitment under the current financial perspectives ending 2013;
- F. NOTING** the adoption on 1st December 2011 of the Regulation of the European Parliament and of the EU Council amending EC Regulation N° 1905/2006 establishing a financing instrument for development cooperation, which signals the end of the European Union's institutional discussions aimed at setting up the Bananas Accompanying Measures;
- G. DEEPLY CONCERNED** that this adoption has occurred two years after the conclusion of the December 2009 Geneva Agreement, and, as a result of EU internal procedures, no resources can be committed before 2013, even though the liberalization enshrined in the same Agreement took effect from 15 December 2009;
- H. RECALLING** that the Banana Accompanying Measures have been conceived with the principal aim of enabling ACP countries to undertake the necessary investments and actions to prepare for a greater liberalisation of banana imports from Most Favored Nation countries (MFN countries) into the European Union; *2011*

RESOLUTION
OF THE 94th SESSION OF THE ACP COUNCIL OF MINISTERS HELD IN BRUSSELS
(BELGIUM) FROM 7 TO 9 DECEMBER 2011 *2011*

SUGAR

The ACP Council of Ministers,

- Meeting in Brussels, (Belgium), from 7th to 9th December 2011,

- A. **HAVING REGARD** to the Resolution on Sugar adopted by the 93rd session of the ACP Council of Ministers held in Brussels (Belgium), from 26 to 29 May 2011;
- B. **HAVING REGARD** to the European Commission's (EC) Regulation No.828/2009, which regulates the import of sugar into the European Union (EU) from the ACP States and other Least Developed Countries (LDCs) suppliers, with effect from 01 October 2009;
- C. **HAVING REGARD** to the legislative proposals for the post-2013 Common Agricultural Policy (CAP) published by the European Commission on 12 October 2011;
- D. **HAVING REGARD** the draft agenda of the 8th WTO Ministerial Conference to be held in Geneva from 15 to 17 December 2011;
- E. **NOTING** that the European Parliament has approved on 23 June 2011, a resolution on *CAP towards 2020: meeting the food, natural resources and territorial challenges of the future*, in which it is recommended that "the 2006 sugar market regime be extended at least to 2020 in its existing form";
- F. **NOTING ALSO** the Action Plan adopted by the 12th ACP Ministerial Conference on Sugar held in Maputo, Mozambique, from 24 to 26 July 2011;
- G. **UNDERLYING** the contribution of the sugar sector to food and livelihood security, fight against climate change which are objectives currently being canvassed in the context of a reformed CAP;
- H. **DEEPLY CONCERNED** by the adverse implications that the European Commission proposal to abolish EU sugar and isoglucose quotas in October 2015 would have on ACP sugar industries;
- I. **RECALLING** that investments in the sugar sector required at least seven years to come to full fruition and that the proposal would undermine all potential growth as a result of a more volatile sugar market;
- J. **RE-EMPHASISING** that the Accompanying Measures Support Programme for Sugar Protocol countries (AMSP) had been established primarily to assist ACP Member States in the context of the 36% price cut to develop a sustainable and competitive sugar cane industry and to successfully adapt to the post-2006 reform period; *2011*

RESOLUTION
OF THE 94TH SESSION OF THE ACP COUNCIL OF MINISTERS
HELD IN BRUSSELS (BELGIUM) FROM 7 TO 9 DECEMBER 2011 *edg*

COTTON

The ACP Council of Ministers,

- Meeting in Brussels, Belgium, from 7 to 9 December 2011,

- A. Having regard to** the ACP Declaration on Cotton to the 36th ACP-EC Council of Ministers held in Brussels on 31 May 2011;
- B. Having regard to** the draft agenda of the 8th WTO Ministerial Conference to be held in Geneva from 15 to 17 December 2011;
- C. Having regard to** the legislative proposals for the post-2013 Common Agricultural Policy (CAP) published by the European Commission on 12 October 2011,
- D. Wishing to implement** the commitment made by all WTO Members to address the cotton dossier ambitiously, expeditiously and specifically;
- E. Commending** the sustained efforts of the representatives of cotton-producing and ACP countries in Geneva to propose implementation modalities agreeable to all and consistent with the criteria of ambition, expeditiousness and specificity;
- F. Recalling** the proposals made by the C4, supported by the African Group, the LDC and ACP Groups and reproduced in the last draft modalities text of December 2008 submitted by the Chairman of the Special Session of the Committee on Agriculture;
- G. Deploring** the lack of ambition in the proposed specific solutions aimed at obtaining early results for cotton in the framework of the WTO Doha Development Agenda negotiations;
- H. Recalling** the proposed Draft Decision on Cotton for the 8th WTO Ministerial Conference presented on 2 November 2011 by the Co-Sponsors of the Sectoral Initiative in Favour of Cotton;
- I. Recalling** the major role played by cash crops, such as cotton, in the economic stability of States, as well as in rural development and food security;
- J. Recalling** the ambition expressed by the European Union and the African cotton-producing countries of the ACP Group when concluding an EU–Africa Partnership for the Development of the Cotton Sector in Paris, on 6 July 2004; *edg*

**WORLD TRADE
ORGANIZATION**

RESTRICTED

**TN/AG/GEN/32
TN/AG/SCC/GEN/11
8 November 2011**

(11-5692)

**Committee on Agriculture
Special Session
Sub-Committee on Cotton**

Original: English/
French

WTO NEGOTIATIONS ON AGRICULTURE

Communication from the Co-Sponsors of the
Sectoral Initiative in Favour of Cotton¹

The following communication, dated 2 November 2011, is being circulated at the request of the Co-Sponsors of the Sectoral Initiative in Favour of Cotton.

DRAFT DECISION ON COTTON

The Ministers,

Mindful of the vital importance of cotton to the economies of several African countries in general and those of the Least Developed Countries in particular;

Concerned at the adverse consequences of the domestic support measures and export subsidies in favour of cotton for the economies of the developing countries, and particularly those of the Least Developed Countries (LDCs), affected by these measures, and for the social conditions of populations in the rural cotton-producing communities in those countries;

Stressing more than ever the urgency of settling the problems faced by the countries belonging to the Group of Least Developed Countries (LDCs) as a result of the domestic support measures and the subsidies granted to cotton;

Referring to the 2005 Hong Kong Ministerial Declaration, and especially paragraphs 11 and 12 thereof relating to cotton;

Concerned at the lack of progress on this issue in the multilateral negotiations;

Decide:

¹ Benin, Burkina Faso, Chad and Mali.

RESOLUTION
OF THE 94th SESSION OF THE ACP COUNCIL OF MINISTERS
HELD IN BRUSSELS, BELGIUM, FROM 7th TO 9th DECEMBER 2011 *edc*

ECONOMIC PARTNERSHIP AGREEMENTS (EPAs)

The ACP Council of Ministers,

- Meeting in Brussels, Belgium, from 7 to 9 December 2011,

- A. **HAVING REGARD** to the objectives of the Cotonou Agreement which include, *inter alia*, fostering the smooth and gradual integration of ACP States into the world economy;
- B. **HAVING REGARD** to the updates provided by the ACP regional Groups involved in the EPA negotiation and implementation in their respective regions;
- C. **CONSIDERING** the progress made and the need for strategy for dealing with the outstanding and contentious issues which have hindered completion of negotiations of comprehensive and full EPAs in the relevant EPA configurations;
- D. **CONSIDERING** the proposal adopted by the EC to amend the EC Regulation 1528/2007 to withdraw from the list of beneficiaries of duty-free quota free market access, those ACP States that have initialed or signed interim or full EPAs, but have not taken steps to ratify and implement those agreements;
- E. **WHEREAS** The European Commission's proposal to amend the regulation seeks to have the ACP States that have initialed but have not yet taken necessary steps to sign or ratify an EPA withdrawn from Annex 1 of the Regulation 1528/2007;
- F. **RECALLING** that the ACP and EU had agreed that the EPAs must be compatible with WTO rules;
- G. **WHEREAS** for the ACP, WTO compatibility is adequate if applied only to trade in goods;
- H. **WHEREAS** the EC was pushing for the inclusion of additional issues, such as geographical indications, government procurement and sustainable development, for which the WTO has not reached a position. **WHEREAS** this has resulted in further delaying the conclusion of the negotiations;
 - 1. **Notes** that the delay in concluding the negotiations is due to the non-resolution of contentious issues owing to entrenched positions of the EC side as well as additional issues being added to the negotiating agenda in which the EC side cannot be absolved from blame. Therefore, the ACP States have to seek ways of convincing the EC negotiators to seriously take into account those concerns;

11. **Expresses** concern that the proposal further shifts the balance of power in an already asymmetrical process of negotiations in favour of the EU. This is borne out of the fact that the September 2011 Commission proposal makes no reference to the processes of negotiations which have been ongoing, in good faith, since 2008 and the progress made in these negotiations;
12. **Stresses** that the impact of the proposal would shift investments from ACP states that do not have full market access to those that have and this would cause friction within regional organizations;
13. **Reaffirms** the ACP unity and solidarity to defend those principles that enhance ACP-EU partnership.

THEREFORE

- **CALLS** for the immediate withdrawal of the proposed measures in view of their detrimental overall effect.
- **ASSERTS** that EC Regulation 1528/2007 should be maintained until the full EPAs have been concluded and implemented, as the proposed amendment would run counter to the primary objective of the EPA to provide stable and increased market access for ACP exports. The proposed amendment would adversely affect ACP States which have made a commitment in the EPA and discourage other States that have embarked on the negotiation process.
- **REITERATES** that the application of EC Regulation 1528/2007 be extended to non-LDC ACP States which are still in the process of negotiation to avoid weakening them and completely cancelling out developments achieved so far.
- **INSTRUCTS** the President of Council and the Secretary-General to forward this Resolution to the European Council, the European Parliament and the European Commission. *EOG*

Brussels, 9 December 2011
