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COUNCIL DECISION

of 29 January 2001

concluding the consultation procedure with Haiti under Article 96 of the ACP-EC Partnership Agreement

(2001/131/EC)

(OJ L 48, 17.2.2001, p. 31)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Council Decision 2002/131/EC of 21 January 2002	L 47	34	19.2.2002
►**M2**	Council Decision 2003/53/EC of 10 January 2003	L 20	23	24.1.2003

▼B

COUNCIL DECISION

of 29 January 2001

concluding the consultation procedure with Haiti under Article 96 of the ACP-EC Partnership Agreement

(2001/131/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the ACP-EC Partnership Agreement signed in Cotonou on 23 June 2000, hereinafter referred to as 'the ACP-EC Agreement', implemented in advance by Decision No 1/2000 ([1]) of the ACP-EC Council of Ministers of 27 July 2000, and in particular Article 96 thereof,

Having regard to the internal agreement on measures to be taken and procedures to be followed for the implementation of the ACP-EC Agreement, as provisionally applied by Decision 2000/771/EC ([2]) of the representatives of the Governments of the Member States of 18 September 2000, and in particular Article 3 thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) The essential elements referred to in Article 9 of the ACP-EC Agreement have been breached by non-compliance with the Electoral Law of Haiti.

(2) In accordance with Article 96 of the ACP-EC Agreement, consultations took place with the ACP States and Haiti on 26 September 2000, on which occasion the Haitian authorities explained their position.

(3) Democratic principles are still not upheld in Haiti.

(4) Measures should therefore be taken as 'appropriate measures' referred to under Article 96(2)(c) of the ACP-EC Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The consultations opened with Haiti under Article 96 of the ACP-EC Agreement are hereby terminated.

Article 2

The measures described in the letter appearing in the Annex shall be adopted as 'appropriate measures' referred to in Article 96(2)(c) of the ACP-EC Agreement.

Article 3

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

It shall expire on ►M2 31 December 2003 ◄.

It shall be reviewed before ►M2 31 December 2003 ◄ at the latest.

Article 4

This Decision shall be published in the *Official Journal of the European Communities*.

([1]) OJ L 195, 1.8.2000, p. 46.
([2]) OJ L 317, 15.12.2000, p. 375.

▼**M2**

ANNEX

Dear Sir,

The European Union attaches great importance to Article 9 of the ACP-EC Agreement. Democratic principles and the rule of law, on which the ACP-EC partnership is founded, are essential elements of the Agreement and thus form the cornerstone of our relations.

By letter of 31 January 2001, the Union expressed its regret that no satisfactory solution to remedy the violation of the Haitian electoral law had been found. It informed you of the appropriate measures taken as foreseen in Article 96(2)(c) of the ACP-EC partnership agreement. In its letter of 23 January 2002, the Union reviewed its Decision of 29 January 2001 in order to allow all the cooperation instruments affected by these measures to be gradually reactivated subject to the achievement of objectives as regards the electoral process.

Today, after more than two years of political crisis, the Union considers that democratic principles are still not upheld in Haiti. However, it recognises numerous international and local efforts in contribution to the search for a solution to this crisis, and in particular those of the Organisation of American States (OAS) and of the Caribbean Community (Caricom), and it reaffirms its wish to support these efforts. Accordingly, within the framework of OAS Resolution No 822, the Government of Haiti has committed itself to giving increased priority to the restoration of a climate of security and confidence in the country, including the completion of inquiries into all politically motivated crimes and the strengthening of the disarmament programs. The European Union urges the Government to translate this commitment into concrete actions.

Furthermore, the European Union is worried about the socioeconomic situation in Haiti and reaffirms its wish to continue cooperation for the benefit of the Haitian people.

In the light of these elements, the Council of the European Union reviewed its Decision of 21 January 2002 and decided to review the appropriate measures referred to in Article 96(2)(c) of the Agreement as follows:

(a) Redirection of the remaining funds of the first eighth EDF tranche and provision of the second tranche under the eighth EDF for programmes that are of direct benefit to the Haitian people, to strengthen civil society and the private sector and to support democratisation, the strengthening of the rule of law and the electoral process;

(b) The allocation of resources for the ninth EDF will not be notified and the corresponding National Indicative Programme (NIP) will not be signed while this Decision is valid.

The Union will follow further developments in the democratisation process closely, in particular the achievement of the steps towards general and local elections, such as the constitution of the provisional electoral council and the setting up of an electoral guarantees committee. Decisions on the gradual reactivation of the cooperation instruments affected by these measures will be taken on the basis of the advancement of the electoral process and in the light of the resumption of cooperation with the international financial institutions.

The Union is ready to review its Decision if there are encouraging developments. It reiterates its readiness to engage in enhanced political dialogue.

Please accept, Sir, the assurance of our highest consideration.

For the Commission

For the Council