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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
►**M3**	Council Decision 2003/916/EC of 22 December 2003	L 345	156	31.12.2003
►**M4**	Council Decision 2004/681/EC of 24 September 2004	L 311	30	8.10.2004

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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)

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 ►M4 31 December 2005 ◄.

▼M3

It shall be reviewed regularly and at least within six months.

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

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Article 4

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

▼M4

ANNEX

Letter to be addressed to the Government of HaitiDear Sir,

The European Union attaches great importance to the provisions of Article 9 of the ACP-EC Partnership Agreement. The ACP-EC Partnership is founded on respect for human rights, democratic principles and the rule of law. These are essential elements of the above Agreement and thus form the basis for relations between us.

In this respect, the European Union has followed closely the recent transition in Haiti, especially as regards the designation of the new Interim Government of Haiti, which was sworn in on 17 March 2004 following an extensive consultation process based on the CARICOM/OAS plan.

On 12 May 2004, discussions took place in Brussels between you and the Commission of the European Communities with a view to examining the political agenda of the Interim Government in relation to the restoration of democratic and constitutional rule. The European Union took note of your commitments particularly as regards the improvements of the human rights situation, the establishment of democratic principles including the holding of free and fair elections, the rule of law and good governance, as stated in your letter of 25 May 2004 to the Commission. Those commitments should lead in due course to greater political stability in Haiti. The European Union strongly urges the Interim Government to translate these commitments rapidly into concrete actions to ensure that the democratisation process becomes an integral part of the Haitian political, economic and social life, thereby ensuring compliance with Article 9 of the ACP-EC Partnership Agreement.

In the light of these elements, the Council of the European Union reviewed its decision of 22 December 2003 and decided to review the appropriate measures referred to in Article 96(2)(c) of the ACP-EC Partnership Agreement as follows:

1. the redirection of the remaining funds under the eighth European Development Fund (EDF) to 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, will be continued and can also include actions determined as short and medium term priorities in the Interim Cooperation Framework (ICF) established in close cooperation between the Interim Government, civil society and major donors, particularly institutional support;

2. the allocation of resources under the ninth EDF will be notified upon publication of this Decision in the *Official Journal of the European Union*;

3. discussions on the programming of the ninth EDF resources will start immediately with the National Authorising Officer in view of the preparation of the Country Strategy Paper (CSP) and the National Indicative Programme (NIP). The strategy will take account of the results of the ICF;

4. B-envelope could be used in advance of the signature of the 9th EDF CSP/NIP, according to real needs;

5. the signature of the NIP is foreseen following national elections respecting the OAS Resolution 822 and accepted as free and fair by the competent Haitian institutions and by the International Community. It is noted that national elections are expected by mid-2005 at the latest;

6. contribution to regional projects, operations of a humanitarian nature and trade cooperation are not affected.

All the above measures shall be reviewed regularly and at least within six months.

It is essential for the success of the cooperation to ensure a strengthened absorptive capacity for aid, which is currently lacking, through good governance and aid management capacity building measures. The modalities of implementation will be those adapted to the country's capacity for adequate management of public finances.

The European Union will follow closely further developments in the democratisation process, in particular in relation to the achievement of the commitments of the Interim Government and the steps towards local, national and presidential elections. The Union reiterates its readiness to continue enhanced political dialogue with the Haitian Interim Government under Article 8 of the ACP-EC Partnership Agreement.

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

For the Commission

For the Council

The President