

II

(Acts whose publication is not obligatory)

COUNCIL

DECISION No 1/2001 OF THE COOPERATION COUNCIL BETWEEN THE EUROPEAN COMMUNITY AND ITS MEMBER STATES, OF THE ONE PART, AND THE REPUBLIC OF SOUTH AFRICA, OF THE OTHER PART,

of 26 June 2001

adopting the Rules of Procedure of the Cooperation Council

(2001/631/EC)

THE COOPERATION COUNCIL,

Having regard to the Agreement on Trade, Development and Cooperation between the European Community and its Member States, of the one part, and the Republic of South Africa, of the other part ⁽¹⁾, signed in Pretoria on 11 October 1999, hereinafter referred to as 'the Agreement', and in particular Article 97(2) thereof,

Whereas that Agreement entered into force on a provisional basis as of 1 January 2000 in accordance with the Exchange of Letters between the European Community and South Africa of 11 October 1999 ⁽²⁾,

HAS DECIDED TO ADOPT THE FOLLOWING RULES OF PROCEDURE:

Article 1

Composition

The Cooperation Council shall consist of the members of the Council of the European Union or their representatives and of members of the Commission of the European Communities, hereinafter referred to as the 'Commission' or their representatives, on the one hand, and of members of the Government of South Africa or their representatives, on the other.

Article 2

Presidency

The Cooperation Council shall be presided alternately by a member of the Council of the European Union and a representative of the Government of South Africa.

During the period of provisional application of the Agreement, a representative of the European Commission shall preside on behalf of the European Community.

Article 3

Meetings

The Cooperation Council shall meet at regular intervals and when circumstances require if the Parties so agree. Equally when so agreed by the Parties, the Council may meet at Ministerial level.

Unless otherwise agreed by the Parties, each session of the Cooperation Council at Ministerial level shall be held at the usual venue for meetings of the Council of the European Union. The meetings of the Cooperation Council are jointly arranged by the Secretaries of the Cooperation Council.

Article 4

Delegations

Before each meeting, the President of the Cooperation Council shall be informed of the intended composition and of the Head of the delegation of each Party.

The Cooperation Council may invite, by agreement between the Parties, non-members to attend its meetings.

Article 5

Secretariat

An official of the General Secretariat of the Council of the European Union and an official of the South African Government shall act jointly as Secretaries of the Cooperation Council.

However, during the period of the provisional application of the Agreement, an official of the Commission shall act as co-secretary on the European side.

⁽¹⁾ OJ L 311, 4.12.1999, p. 3.

⁽²⁾ OJ L 311, 4.12.1999, p. 2.

*Article 6***Documents**

When the deliberations of the Cooperation Council are based on written supporting documents, such documents shall be numbered and circulated as documents of the Cooperation Council by the two Secretaries.

*Article 7***Correspondence**

All correspondence addressed to the Cooperation Council or to the President of the Council shall be forwarded to both Secretaries of the Cooperation Council.

The two Secretaries shall ensure that correspondence is forwarded to the President of the Cooperation Council and, where appropriate, circulated to other members of the Cooperation Council. Correspondence circulated shall be sent to the Secretariat General of the Commission, the General Secretariat of the Council of the European Union, the Permanent Representations of the Member States of the European Union and the South African Government.

Correspondence from the President of the Cooperation Council shall be sent to the recipients by the respective Secretary and, where appropriate, circulated to the other members of the Cooperation Council mentioned in the second paragraph.

*Article 8***Agenda for the meetings**

A provisional agenda for each meeting shall be drawn up by the Secretaries of the Cooperation Council. The corresponding Secretary shall forward it to the recipients referred to in Article 7, second paragraph not later than 15 days before the beginning of the meeting.

The provisional agenda shall include the items in respect of which a request for inclusion in the agenda has been received by either of the two Secretaries not later than 21 days before the beginning of the meeting. Items shall not be written into the provisional agenda unless the supporting documentation has been forwarded to the Secretaries not later than the date of dispatch of the provisional agenda.

The Cooperation Council at the beginning of each meeting shall adopt the agenda. An item other than those appearing on the provisional agenda may be placed on the agenda if the two Parties so agree.

In agreement with the Parties, the time limits specified in paragraph 1 may be shortened in order to take account of the requirements of a particular case.

*Article 9***Minutes**

Draft minutes of each meeting shall be drawn up as soon as possible jointly by the two Secretaries.

The minutes shall, as a general rule, indicate in respect of each item on the agenda:

1. the documentation submitted to the Cooperation Council;
2. statements the entry of which has been requested by a member of the Cooperation Council;
3. the decisions taken, the recommendations made, the statements agreed upon and the conclusions adopted on specific items.

The minutes shall also include a list of members of the Cooperation Council who participated at the meeting.

The draft minutes shall be submitted to the Cooperation Council for approval at its next meeting. The draft minutes also can be agreed in writing by both Parties. When approved, two authentic copies of the minutes shall be signed by the two Secretaries and be filed by the Parties. A copy of the minutes shall be forwarded to each of the recipients referred to in Article 7, second paragraph.

*Article 10***Decisions and recommendations**

The Cooperation Council shall take decisions and make recommendations by common agreement between the Parties. During the inter-session period, the Cooperation Council may adopt a decision or make recommendations by written procedure if both Parties so agree. A written procedure consists of an exchange of notes between the two Secretaries, acting in agreement with the Parties.

The decisions and recommendations of the Cooperation Council within the meaning of Article 97 of the Agreement shall be entitled 'decision' and 'recommendation' respectively, followed by a serial number, by the date of their adoption and by a description of their subject.

The decisions and recommendations of the Cooperation Council shall be signed by the President and authenticated by the two Secretaries and two authentic copies shall be kept in the archives of the Parties of the Cooperation Council.

Decisions and recommendations shall be transmitted through the two Secretaries to each of the recipients referred to in Article 7, second paragraph as documents of the Cooperation Council.

*Article 11***Publicity**

Unless otherwise decided, the meetings of the Cooperation Council shall not be public.

Each Party may decide on the publication of the decisions and the recommendations of the Cooperation Council in its respective official publication.

*Article 12***Languages**

The official languages of the Cooperation Council shall be the official languages of the Parties.

*Article 13***Expenses**

The European Community and South Africa shall each defray the expenses they incur by reason of their participation in the meetings of the Cooperation Council, both with regard to staff, travel and subsistence expenditure and to postal and telecommunications expenditure.

Expenditure in connection with organisation of meetings shall be borne by the Party that hosts the meeting.

*Article 14***Committee**

One or more Cooperation Committees may be established in order to assist the Cooperation Council in the performance of its duties.

*Article 15***Entry into force**

This Decision shall enter into force on the day on which it is adopted.

Done at Brussels, 26 June 2001.

For the Cooperation Council

The President

J. RICHELLE
