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EUROPEAN COMMISSION

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Proposal for a

COUNCIL DECISION

concerning the position of the European Union within the Association Council on the implementation of Article 98 of the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part

EXPLANATORY MEMORANDUM

1. The Association Agreements form the legal basis for the European Union's relations with southern Mediterranean countries.
2. The increasing technical complexity of the Union's relations with the southern Mediterranean countries as a result of the implementation of the Euro-Mediterranean Agreements requires the working of the institutions of these Agreements to be adapted accordingly. As a result, subcommittees have been set up within the Association Committees of the Euro-Mediterranean Agreements for the purpose of monitoring the implementation of partnership priorities and the approximation of legislation.
3. The EU-Algeria Association Agreement entered into force on 1 September 2005. Six subcommittees have already been set up within the Association Committee: 'Industry, trade and services', 'Transport, environment and energy', 'Information society, research, innovation, education, the audiovisual sector and culture', 'Agriculture and fisheries', 'Justice and home affairs' and 'Customs cooperation'. A working party on social affairs has also been set up.
4. Political dialogue, security and human rights form an integral and essential part of the framework governing relations between the European Union and Algeria through the Association Agreements. They are also important elements of the EU's relations with its Mediterranean partners in the regional context of the Euro-Mediterranean partnership.
5. To this end and as provided for in the EU-Algeria Association Council Decision No 3/2007 setting up subcommittees of the Association Committee and a working party on social affairs, the Commission proposed the formal creation of a new subcommittee '**Political dialogue, security and human rights**' in addition to the subcommittees or committees already in place.
6. Organisationally, the subcommittee will be chaired for the EU by a representative of the European External Action Service, in full association with the European Commission.
7. The objective, the subjects covered by the subcommittee and the implementing arrangements are contained in the rules of procedure at annex. The tasks and rules of procedure of the subcommittee have been discussed with the Algerian authorities.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Article 218(9) of the Treaty on the Functioning of the EU,

Having regard to the proposal from the Commission¹,

Whereas:

- (1) The Euro-Mediterranean Agreement between the European Community and its Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part, was concluded on 22 April 2002 and entered into force on 1 September 2005.
- (2) Article 98 of that Agreement states that the Association Council may decide to set up any working group or body necessary for the implementation of the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted by the European Union in the Association Council established by the Euro-Mediterranean Agreement concluded between the European Community and its Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part, on the implementation of Article 98 of the Agreement shall be based on the draft Decision of the Association Council annexed to this Decision.

Article 2

The Subcommittee shall be composed of representatives of the European Union and its Member States and representatives of the Government of People's Democratic Republic of Algeria. It shall be chaired alternately by the two Parties. A representative of the European External Action Service shall chair the Subcommittee on behalf of the European Union. The

¹ OJ C [...], [...], p. [...].

European Commission shall take part within its remit. The Member States shall be informed of the Subcommittee's meetings and invited to attend.

Done at Brussels,

For the Council
The President
[...]

ANNEX

DECISION OF THE EU-ALGERIA ASSOCIATION COUNCIL

setting up the Subcommittee 'Political dialogue, security and human rights'

The EU-Algeria Association Council,

Having regard to the Euro-Mediterranean Agreement establishing an Association between the European Union (EU) and its Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part (hereinafter the 'Association Agreement'),

Whereas:

- (1) Relations and cooperation with the southern Mediterranean countries can be developed in a way that takes account of the EU's competencies and the specificities and requirements of each Mediterranean country.
- (2) The EU's increasingly dynamic relationship with Algeria as a result of the implementation of the Association Agreement requires regular monitoring.
- (3) The Association Council has already decided² to create subcommittees of the EU-Algeria Association Committee to provide an appropriate institutional framework for implementing and enhancing cooperation.
- (4) Respect for democratic principles, human rights and fundamental freedoms underpins the domestic and international policies of the Parties and constitutes an essential element of the Association Agreement.
- (5) Political dialogue and preserving security constitute essential elements of the Association Agreements and are discussed within the different bodies provided for therein.
- (6) As part of the political dialogue, Algeria and the EU have set themselves ambitious objectives, based on shared common values, including democracy, the rule of law, the protection and promotion of all human, civil, political, economic, social and cultural rights, including the right to development, and security issues such as the fight against terrorism and all types of organised crime.
- (7) Article 98 of the Association Agreement provides for the setting-up of the working groups or bodies necessary for the implementation of the Agreement,

HAS DECIDED AS FOLLOWS:

² Council Decision No 3/2007 of the EU-Algeria Association Council, OJ L 330, 15.12.2007, p.31.

Article 1

1. The Subcommittee 'Political dialogue, security and human rights' is hereby set up within the Algeria-EU Association Committee (hereinafter 'Association Committee'). Its rules of procedure are annexed.

The Subcommittee shall work under the authority of the Association Committee, to which it shall report after each meeting.

2. Issues within the remit of the Subcommittee may also be raised at a higher level in the political dialogue between Algeria and the EU.

3. Within its remit, the Association Committee shall propose to the Association Council any other action needed to ensure that the Subcommittee operates properly.

Article 2

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

Done at [...], [...]

For the EU-Algeria Association Council

Rules of procedure of Subcommittee No 7 'Political dialogue, security and human rights'

1. Composition and chair

The Subcommittee 'Political dialogue, security and human rights' (hereinafter the 'Subcommittee') shall be composed of representatives of the Parties to the Association Agreement. It shall be chaired alternately by the two Parties at senior official level.

2. Role

The Subcommittee shall work under the authority of the EU-Algeria Association Committee (hereinafter the 'Association Committee'), to which it shall report after each meeting. The Subcommittee shall have no decision-making power. It may, however, submit proposals to the Association Committee.

3. Subject matter

The Subcommittee shall discuss the implementation of the EU-Algeria Association Agreement in the sectors listed below. For human rights, democratisation and governance issues, and security issues connected with cooperation in the fight against terrorism and organised crime, the Subcommittee shall serve as the principal technical mechanism for monitoring. In particular, it shall assess progress on the approximation, implementation and application of legislation and examine cooperation in public administration and its operational aspects. The Subcommittee shall also assess progress and examine any problems that may arise in the sectors listed below and propose steps that might be taken.

- (a) the rule of law, good governance and democracy, and in particular the independence of the courts, access to justice and support for judicial reform, exchanges of experience and training,
- (b) the continuing ratification and implementation of international conventions on human rights and fundamental freedoms, including consideration of the possibility of accession to optional protocols to those conventions and discussion of any reservations in regard to these agreements. Cooperation with international human rights procedures and mechanisms,
- (c) combating the death penalty and torture and all forms of discrimination,
- (d) rights of the child and women's rights,
- (e) freedom of expression and the role of civil society and protection of human rights defenders,
- (f) cooperation in the field of international justice, promotion of democratisation processes and good governance,
- (g) cooperation in multilateral organisation on human rights,
- (h) combating terrorism and organised crime,

- (i) consultation on issues of foreign policy and security, such as conflict prevention, disarmament and non-proliferation of weapons of mass destruction,
- (j) consultation on regional and international security issues of common interest,
- (k) strengthening the administrative and operational capabilities of the national institutions concerned.

This is not an exhaustive list and other subjects may be added by the Association Committee, subject to the agreement of both Parties.

The Subcommittee may discuss matters relating to one, several or all of the above areas.

4. Secretariat

An official from the European External Action Service and an official from the Government of the People's Democratic Republic of Algeria shall act jointly as permanent secretaries of the Subcommittee and shall be in charge of preparing its meetings.

All communications concerning the Subcommittee shall be forwarded to the Subcommittee secretaries.

5. Meetings

The Subcommittee shall meet whenever circumstances require and at least once a year, alternately in Algeria and the EU. A meeting may be convened at the request of either Party, channelled through its permanent secretary, who will pass the request onto the other Party. Upon receipt of a request for a Subcommittee meeting, the secretary of the other Party shall reply within 15 working days.

In cases of particular urgency, Subcommittee meetings may be convened at shorter notice, subject to the agreement of both Parties. All requests to convene meetings must be in writing.

Meetings of the Subcommittee shall be held at a time and place agreed by both Parties.

The meetings shall be convened for each Party by its permanent secretary in agreement with the chair. Before each meeting, the chair will be informed of the intended composition of each Party's delegation.

If both Parties agree, the Subcommittee may invite experts to its meetings to provide specific information..

6. Agenda for meetings

All requests for items to be included in the Subcommittee's agenda shall be sent to the Subcommittee permanent secretaries. The provisional agenda for each meeting shall be drawn up by the chair, in agreement with the other Party, at least 10 days before the beginning of the meeting.

The provisional agenda shall include items for which the secretaries have received requests for entry on the agenda at least 15 days before the beginning of the meeting. Supporting documentation must be received by both Parties at least seven days before the beginning of the meeting.

The agenda shall be adopted by the Subcommittee at the beginning of each meeting.

7. Minutes

Minutes shall be taken and agreed by both permanent secretaries after each meeting. A copy of the minutes, including any proposals and suggestions by the Subcommittee, shall be forwarded by the permanent secretaries of the Subcommittee to the secretaries and chair of the Association Committee.

8. Publicity

Unless otherwise decided, the meetings of the Subcommittee shall not be public and the conclusions of its proceedings shall not be made public.

**LEGISLATIVE FINANCIAL STATEMENT FOR PROPOSALS HAVING A
BUDGETARY IMPACT EXCLUSIVELY LIMITED TO REVENUE**

1. TITLE OF THE PROPOSAL:

Setting up the Subcommittee '**Political dialogue, security and human rights**' under the EU-Algeria Association Agreement.

2. BUDGET LINES:

Chapter and Article: Not applicable.

Amount budgeted for the year concerned: Not applicable.

3. FINANCIAL IMPACT

- Proposal has no financial implications
- Proposal has no financial impact on expenditure but has a financial impact on revenue – the effect is as follows:

(€million to one decimal place)

Budget line	Revenue ³	12-month period, starting dd/mm/yyyy	[Year n]
Article ...	<i>Impact on own resources</i>		
Article ...	<i>Impact on own resources</i>		

Situation following action					
	[n+1]	[n+2]	[n+3]	[n+4]	[n+5]
Article ...					

³ Regarding traditional own resources (agricultural duties, sugar levies, customs duties) the amounts indicated must be net amounts, i.e. gross amounts after deduction of 25 % of collection costs

Article ...					
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4. ANTI-FRAUD MEASURES

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5. OTHER REMARKS

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