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2013/0209 (NLE)

Proposal for a

COUNCIL DECISION

**extending the period of application of the appropriate measures laid down for the
Republic of Guinea by Decision 2011/465/EU and amending that Decision**

EXPLANATORY MEMORANDUM

In July 2011 the Council of the European Union eased the appropriate measures imposed on Guinea in recognition of progress made towards a return to constitutional rule since the inauguration of President Alpha Condé following democratic elections. The Council recalled, however, that the transition would end only with the holding of free and transparent parliamentary elections – the last benchmark for resumption of cooperation with Guinea under the 10th European Development Fund (EDF) (Decision 2011/465/EU).

Council Decision 2011/465/EU, extended by Council Decision 2012/404/EU, expires on 19 July 2013. It established two benchmarks: (1) adoption of a detailed timetable for the holding of parliamentary elections by the end of 2012; (2) the holding of free and transparent parliamentary elections. With the adoption and transmission by Guinea's independent National Electoral Commission of an electoral timetable for holding elections in May 2013, the EU Council considered that the first of these benchmarks had been met. The 10th EDF CSP/NIP was signed in Brussels on 21 December 2012.

On 13 April 2013 a presidential decree set 30 June 2013 as the date for holding the parliamentary elections.

In view of the delays already accumulated in implementation of the electoral timetable and the strong political tensions affecting the holding of elections on the date and under the conditions laid down, the validity of Council Decision 2011/465/EU should be extended by one year and the deadline for holding the parliamentary elections extended until end of October 2013. If elections are held after that date, the EU will not be able to fulfil its commitment to sign the financing decisions for the rest of the 10th EDF projects/programmes, as Council Decision 1/2006 sets 31 December 2013 as the time limit for committing 10th EDF funds ('sunset clause').

Proposal for a

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extending the period of application of the appropriate measures laid down for the Republic of Guinea by Decision 2011/465/EU and amending that Decision

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States of the other part, signed in Cotonou on 23 June 2000¹, as last amended in Ouagadougou on 22 June 2010² ('the ACP-EU Partnership Agreement'), and in particular Article 96 thereof,

Having regard to the Internal Agreement between representatives of the governments of the Member States, meeting within the Council, on measures to be taken and procedures to be followed for the implementation of the ACP-EU Partnership Agreement³, and in particular Article 3 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Council Decision 2011/465/EU of 18 July 2011 lays down appropriate measures for Guinea under Article 96(2)(c) of the ACP-EU Partnership Agreement.
- (2) This Decision, extended and amended by Council Decision 2012/404/EU, lays down two conditions for the resumption of cooperation with Guinea, namely that a detailed timetable be drawn up and adopted by the competent authorities for the holding of parliamentary elections by the end of 2012, and that free and transparent parliamentary elections be held.
- (3) With the transmission by the President of Guinea's independent National Electoral Commission of an electoral timetable for holding elections on 12 May 2013, the EU Council considered that the first of these benchmarks had been met.
- (4) On 13 April 2013 a presidential decree set 30 June 2013 as the date for holding the parliamentary elections. The legal deadline for publication of the final results of the

¹ OJ L 317, 15.12.2000, p. 3.

² OJ L 287, 4.11.2010, p. 3.

³ OJ L 317, 15.12.2000, p. 376, as amended in OJ L 247, 9.9.2006, p. 48.

elections by Guinea's Supreme Court falls after 19 July 2013, the expiry date of the current Decision.

- (5) It is therefore necessary to extend the period of application of the appropriate measures laid down in Decision 2011/465/EU and to extend the time limit set in those measures for the holding of parliamentary elections in Guinea to the end of October 2013,

HAS ADOPTED THIS DECISION:

Article 1

The period of validity of Decision 2011/465/EU, as extended and amended by Decision 2012/404/EU, is hereby extended for a further 12 months. Accordingly, in Article 3 of Decision 2011/465/EU, the date '19 July 2013' is replaced by the date '19 July 2014'.

Article 2

The time limit for Guinea's undertaking to hold free and transparent parliamentary elections, as set out in the appropriate measures in the annex to Decision 2011/465/EU, is hereby extended until 31 October 2013.

Article 3

This Decision shall enter into force on the day of its adoption. It shall be published in the *Official Journal of the European Union*.

Done at Brussels,

For the Council
The President