

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(95) 41 final  
Brussels, 22.02.1995

95/0033 (ACC)

Proposal for a

## COUNCIL DECISION

on the conclusion of an Agreement in the form of an exchange of letters  
between the European Communities and Barbados, Belize,  
the Republic of the Congo, Fiji, the Cooperative Republic of Guyana,  
Republic of the Ivory Coast, Jamaica, the Republic of Kenya,  
the Republic of Madagascar, the Republic of Malawi, Mauritius,  
the Republic of Surinam, St. Christopher and Nevis,  
the Kingdom of Swaziland, the United Republic of Tanzania,  
Trinidad and Tobago, the Republic of Uganda, the Republic of Zimbabwe  
and the Republic of Zambia on the accession of the latter country  
to Protocol No 8 on ACP sugar annexed to the Fourth ACP-EEC Convention

(presented by the Commission)

## EXPLANATORY MEMORANDUM

1. A joint declaration, annexed to Protocol 8 on ACP sugar, itself annexed to the Fourth ACP-EEC Convention of Lomé, concerning possible requests for participation in the provisions of that Protocol states :

*"Any request from an ACP State contracting party to the Convention not specifically referred to in Protocol 3 to participate in the provisions of that Protocol shall be examined."*

2. Zambia requested by letter of 23 January 1987 its participation to that Protocol. The Community, by letter of 25 October 1988, agreed that Zambia could become signatory to the Protocol with a 0 agreed quantity, under the condition that a technical examination should establish the capacity of the applicant country to fulfill on a permanent basis the obligations imposed by the Protocol in regard to agreed quantities and that the new signatory would be eligible to benefit from future re-allocation under Article 7(4) of that Protocol.

The ACP accepted this position also with a letter dated 14 November 1989.

3. A technical examination was carried out by the Commission in July 1990 which resulted in the Community position that it could not agree for the time being to Zambia's participating in the Sugar Protocol, but that it would be prepared to resume examining this application should any change in the situation justify doing so (letter of 23.7.1991).
4. Zambia requested by letter of 18.11.1993 to carry out a further technical examination of Zambia's sugar industry to establish its capability to fulfill the above-mentioned obligations.
5. This examination was carried out by the Commission in June 1994.

The conclusion to be drawn is that production has been stabilized at 150.000 t and consumption has been established at a level of about 85.000 t to 90.000 t so that after serving the regional exports, a surplus of up to 30.000 t will be available on a permanent basis to export to the Community or the world market.

### Recommendation

6. The European Community could therefore now agree to Zambia's accession to the Sugar Protocol.

Accordingly, the Commission recommends the Council :

- (i) to agree that Zambia should be included in Article 3(1) of the Sugar Protocol with effect from 1 January 1995 with an agreed quantity of 0 ton;
  - (ii) to approve the attached draft decision on the conclusion of an agreement in the form of an exchange of letters between the European Community, the ACP States concerned and Zambia.
7. Financial implications : the proposals set out above would be implemented within the framework of the management of the Common organization of the sugar markets and would not therefore, give rise to additional expenditure.

COUNCIL DECISION

of

on the conclusion of an Agreement in the form of an exchange of letters between the European Communities and Barbados, Belize, the Republic of the Congo, Fiji, the Cooperative Republic of Guyana, Republic of the Ivory Coast, Jamaica, the Republic of Kenya, the Republic of Madagascar, the Republic of Malawi, Mauritius, the Republic of Surinam, St. Christopher and Nevis, the Kingdom of Swaziland, the United Republic of Tanzania, Trinidad and Tobago, the Republic of Uganda, the Republic of Zimbabwe and the Republic of Zambia on the accession of the latter country to Protocol No 8 on ACP sugar annexed to the Fourth ACP-EEC Convention

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas the Joint Declaration annexed to Protocol 8 on ACP sugar to the Fourth ACP-EEC Convention (1) provides that any request from an ACP State Contracting Party to the Convention not specifically referred to in that Protocol to participate in its provisions shall be examined;

Whereas the Republic of Zambia is an ACP State Contracting Party to the said Convention; whereas Zambia has requested to participate in the provisions of the said Protocol;

Whereas the ACP States concerned, in a letter of 14 November 1989, have signified their assent to the accession of Zambia to the said Protocol;

Whereas it is appropriate to approve an Agreement in the form of an exchange of letters between the European Community, the States referred to in the said Protocol and the Republic of Zambia on the accession of the latter country to the said Protocol,

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(1) O.J. No 229, 17.8.1991, p. 1

HAS ADOPTED THIS DECISION :

Article 1

An Agreement in the form of an exchange of letters between the European Community and Barbados, Belize, the Republic of the Congo, Fiji, the Cooperative Republic of Guyana, the Republic of the Ivory Coast, Jamaica, the Republic of Kenya, the Republic of Madagascar, the Republic of Malawi, Mauritius, the Republic of Surinam, St. Christopher and Nevis, the Kingdom of Swaziland, the United Republic of Tanzania, Trinidad and Tobago, the Republic of Uganda, the Republic of Zimbabwe, and the Republic of Zambia on the accession of the latter country to Protocol 8 on ACP sugar annexed to the Fourth ACP-EEC Convention is hereby approved on behalf of the European Community. The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorized to designate the person empowered to sign the Agreement referred to in Article 1 in order to bind the European Community.

Article 3

This Decision shall be published in the Official Journal of the European Communities. This Decision is addressed to the Member States.

Done at.....,

For the Council  
The President,

AGREEMENT

in the form of an exchange of letters between the European Community and Barbados, Belize, the Republic of the Congo, Fiji, the Cooperative Republic of Guyana, Jamaica, the Republic of Kenya, the Republic of Madagascar, the Republic of Malawi, Mauritius, the Republic of Surinam, St. Christopher and Nevis, the Kingdom of Swaziland, the United Republic of Tanzania, Trinidad and Tobago, the Republic of Uganda, the Republic of Zimbabwe and the Republic of Zambia on the accession of the latter country to Protocol No 8 on ACP sugar annexed to the Fourth ACP-EEC Convention.

Letter No 1

Sir,

The ACP States referred to in Protocol 8 on ACP sugar annexed to the Fourth ACP-EEC Convention, the Republic of Zambia and the European Community have agreed on the following.

The Republic of Zambia is hereby included in Article 3(1) of the said Protocol with effect from 1 January 1995 with an agreed quantity of 0 ton.

I should be obliged if you would acknowledge receipt of this letter and confirm that this letter and your reply constitute an Agreement between the Governments of the abovementioned ACP States and the European Community.

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

On behalf of the Council  
of the European Union

Letter No 2

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows :

" The ACP States referred to in Protocol 8 on ACP sugar annexed to the Fourth ACP-EEC Convention, the Republic of Zambia and the European Community have agreed on the following.

The Republic of Zambia is hereby included in Article 3(1) of the said Protocol with effect from 1 January 1995 with an agreed quantity of 0 ton.

I should be obliged if you would acknowledge receipt of this letter and confirm that this letter and your reply constitute an Agreement between the Governments of the abovementioned ACP States and the European Community. "

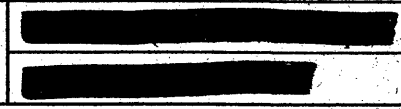
I have the honour to confirm the agreement of the Governments of the ACP States referred to in this letter with the foregoing.

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

For the Governments,

(5)

# FINANCIAL STATEMENT



1. BUDGET HEADING: \_\_\_\_\_ APPROPRIATIONS: \_\_\_\_\_

2. TITLE:  
Draft Decision concerning an agreement relating to accession of Zambia to Protocol No 8 on ACP sugar

3. LEGAL BASIS:  
EEC Treaty, Article 113

4. AIMS:  
Recommend the Council to agree to accession of Zambia without any increase in the total quantities of sugar specified in the Protocol

5. FINANCIAL IMPLICATIONS:	PERIOD OF 12 MONTHS	CURRENT FINANCIAL YEAR	FOLLOWING FINANCIAL YEAR
	(ECU million)	(95) (ECU million)	(96) (ECU million)
5.0. EXPENDITURE - CHARGED TO THE EC BUDGET (REFUNDS/INTERVENTION) - NATIONAL AUTHORITIES - OTHER	-	-	-
5.1. REVENUE - OWN RESOURCES OF THE EC (LEVIES/CUSTOMS DUTIES) - NATIONAL			
	1997	1998	1999
5.0.1. ESTIMATED EXPENDITURE			
5.1.1. ESTIMATED REVENUE			
	2000		

5.2. METHOD OF CALCULATION:

- 6.0. CAN THE PROJECT BE FINANCED FROM APPROPRIATIONS ENTERED IN THE RELEVANT CHAPTER OF THE CURRENT BUDGET? YES/NO
- 6.1. CAN THE PROJECT BE FINANCED BY TRANSFER BETWEEN CHAPTERS OF THE CURRENT BUDGET? YES/NO
- 6.2. WILL A SUPPLEMENTARY BUDGET BE NECESSARY? YES/NO
- 6.3. WILL FUTURE BUDGET APPROPRIATIONS BE NECESSARY? YES/NO

OBSERVATIONS Since this accession is envisaged without any increase in the initial preferential sugar import commitments (ACP + India), there are no direct budgetary implications.

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# DOCUMENTS

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