

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(78) 344 final

Brussels, 14 July 1978

Recommendation for a
COUNCIL REGULATION (EEC)

on the conclusion of the Agreements in the form of exchanges of letters between the European Economic Community and Barbados, the People's Republic of the Congo, Fiji, the Cooperative Republic of Guyana, Jamaica, the Republic of Kenya, the Democratic Republic of Madagascar, the Republic of Malawi, Mauritius, the Republic of Surinam, the Kingdom of Swaziland, the United Republic of Tanzania, Trinidad and Tobago, the Republic of Uganda, and also the Republic of India, on the guaranteed prices for cane sugar for 1978/79

Recommendation for a
COUNCIL REGULATION (EEC)

fixing the guaranteed prices applicable for cane sugar originating in the overseas countries and territories (OCT) for 1978/79

(submitted to the Council by the Commission)

COM(78) 344 final

EXPLANATORY MEMORANDUM

1. (a) By decision of the Council, the Commission was authorized to enter into negotiations on the guaranteed prices for cane sugar for 1978/79 with the States referred to in Protocol No 3 on ACP sugar annexed to the ACP-EEC Convention of Lomé and with the Republic of India.

The results of those negotiations have to be approved by the relevant authorities of the Community and the countries referred to above.

The Commission recommends to the Council that the results be embodied in agreements in the form of exchanges of letters between the Community on the one hand and each of the ACP States concerned and the Republic of India on the other.

- (b) According to a Declaration annexed to the Final Act of the ACP-EEC Convention of Lomé, the Community undertook to ensure for sugar originating in certain overseas countries and territories (OCT) the same treatment as provided for in Protocol No 3 on ACP sugar.

The Commission recommends that the Council fix for sugar originating in the countries specified by the said Declaration the same guaranteed prices for 1978/79 as those agreed with the ACP States.

2. ANNEXES : I. Recommendation for a Council Regulation concerning the conclusion of the Agreements in the form of exchanges of letters on the guaranteed prices for cane sugar for 1978/79 between the European Economic Community and Barbados, the People's Republic of the Congo, Fiji, the Republic of Guyana, Jamaica, the Republic of Kenya, the Democratic Republic of Madagascar, the Republic of Malawi, Mauritius, the Republic of Surinam, the Kingdom of Swaziland, the United Republic of Tanzania, Trinidad and Tobago, the Republic of Uganda and the Republic of India.

II. Drafts exchanges of letters.

III. Recommendation for a Council Regulation fixing the guaranteed prices applicable for cane sugar originating in the overseas countries and territories (OCT) for 1978/79.

3. Financial implications

The above recommendations stem as usual from the annual decisions on prices. They involve no financial implications other than those already taken into consideration in the context of the agricultural price proposals (COM(77)639 fin. of 9.12.1977).

COUNCIL REGULATION (EEC)

on the conclusion of the Agreements in the form of exchanges of letters between the European Economic Community and Barbados, the People's Republic of the Congo, Fiji, the Cooperative Republic of Guyana, Jamaica, the Republic of Kenya, the Democratic Republic of Madagascar, the Republic of Malawi, Mauritius, the Republic of Surinam, the Kingdom of Swaziland, the United Republic of Tanzania, Trinidad and Tobago, the Republic of Uganda, and also the Republic of India, on the guaranteed prices for cane sugar for 1978/79

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the recommendation from the Commission,

Whereas Protocol 3 on ACP sugar annexed to the ACP-EEC Convention of Lomé⁽¹⁾, and the Agreement between the European Economic Community and the Republic of India on cane sugar⁽²⁾, are implemented in the context of the management of the common organization of the sugar market;

Whereas it is appropriate to approve the Agreements in the form of exchanges of letters between the European Economic Community and the States referred to in Protocol 3 on ACP sugar and the Republic of Surinam, and also the Republic of India, on the guaranteed prices for cane sugar for 1978/79,

HAS ADOPTED THIS REGULATION:

Article 1

The Agreements in the form of exchanges of letters between the European Economic Community and

Barbados, the People's Republic of the Congo, Fiji, the Cooperative Republic of Guyana, Jamaica, the Republic of Kenya, the Democratic Republic of Madagascar, the Republic of Malawi, Mauritius, the Republic of Surinam, the Kingdom of Swaziland, the United Republic of Tanzania, Trinidad and Tobago and the Republic of Uganda, on the guaranteed prices for cane sugar for 1978/79, and the Agreement in the form of an exchange of letters between the the European Economic Community and the Republic of India on the guaranteed prices for cane sugar 1978/79, are hereby approved on behalf of the Community.

The texts of these Agreements are annexed to this Regulation.

Article 2

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

Article 3

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Council

The President

⁽¹⁾ OJ No L 25, 30. 1. 1976, p. 1.

⁽²⁾ OJ No L 190, 23. 7. 1975, p. 36.

AGREEMENTS

in the form of exchanges of letters between the European Economic Community and Barbados, the People's Republic of the Congo, Fiji, the Cooperative Republic of Guyana, Jamaica, the Republic of Kenya, the Democratic Republic of Madagascar, the Republic of Malawi, Mauritius, the Republic of Surinam, the Kingdom of Swaziland, the United Republic of Tanzania, Trinidad and Tobago and the Republic of Uganda, on the guaranteed prices for cane sugar for 1978/79

Letter No 1

Brussels,

Sir,

1. The representatives of the ACP States referred to in the Protocol No 3 on ACP sugar annexed to the ACP-EEC Convention of Lomé, and of the Commission, on behalf of the European Economic Community, have agreed within the framework of the negotiations provided for in Article 5 (4) of the said Protocol, the following:

For the period 1 July 1978 to 30 June 1979, the guaranteed prices referred to in Article 5 (4) of the Protocol shall, for the purposes of intervention within the terms of Article 6 of the Protocol, be

- (a) for raw sugar, 27.81 units of account per 100 kilograms;
- (b) for white sugar, 34.49 units of account per 100 kilograms.

These prices, which represent an increase of about 2% over those of last year, shall refer to sugar of standard quality as defined in Community legislation, unpacked, c.i.f. European ports of the Community.

2. Having regard to market conditions generally, and to other relevant factors, it is expected that the above guaranteed prices for ACP sugar will enable the ACP states concerned to secure on Community markets, during the delivery period 1978/79, prices in excess of the market prices for the delivery period 1977/78, as estimated at the time of last year's negotiation.
3. Although retroactivity is not provided for in respect of the 1978/79 prices, it is agreed that this year's decision does not prejudice the position of the ACP states in relation to retroactivity in any future negotiation in accordance with Article 4 (3) of Protocol No 3 to the Convention of Lomé.

4. The ACP States point out that, as long as the above prices refer to sugar offered c.i.f. European ports, they will have to carry the full burden of freight charges. As a result, their ex-factory prices have been substantially lower than the ex-factory prices of European beet producers. The ACP States therefore request the Community to consider appropriate ways and means of providing some compensation for these charges. The Community takes note of this request.

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 ACP States referred to in Protocol No 3 and the Community.

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

For the Council
of the European Communities

Letter No 2

Brussels,

Sir,

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

"....."

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

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

For the Governments

.....

AGREEMENT

in the form of an exchange of letters between the European Economic Community and the Republic of India on the guaranteed prices for cane sugar for 1978/79

Letter No 1

Brussels,

Sir,

1. The representatives of the Republic of India and of the Commission, on behalf of the European Economic Community, have agreed within the framework of the negotiations provided for in Article 5 (4) of the Agreement between the European Economic Community and the Republic of India on cane sugar, the following:

For the period 1 July 1978 to 30 June 1979, the guaranteed prices referred to in Article 5 (4) of the Agreement shall, for the purposes of intervention within the terms of Article 6 of the Agreement, be:

- (a) for raw sugar, 27.81 units of account per 100 kilograms;
- (b) for white sugar, 34.49 units of account per 100 kilograms.

These prices, which represent an increase of about 2% over those of last year, shall refer to sugar of standard quality as defined in Community legislation unpacked, c.i.f. European ports of the Community.

2. Having regard to market conditions generally, and to other relevant factors, it is expected that the above guaranteed prices for Indian sugar will enable the Republic of India to secure on Community markets, during the delivery period 1978/79, prices in excess of the market prices for the delivery period 1977/78, as estimated at the time of last year's negotiation.
3. Although retroactivity is not provided for in respect of the 1978/79 prices it is agreed that this year's decision does not prejudice the position of the Republic of India in relation to retroactivity in any future negotiation in accordance with Article 4 (3) of the Agreement on cane sugar.
4. The Republic of India points out that, as long as the above prices refer to sugar offered c.i.f. European ports, it will have to carry the full burden of freight charges. As a result, its ex-factory prices have been substantially lower than the ex-factory prices of European beet producers. The Republic of India therefore requests the Community to consider appropriate ways and means of providing some compensation for these charges. The Community takes note of this request.

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

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

For the Council
of the European Commission

Letter No 2

Brussels,

Sir,

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

"....."

I have the honour to confirm the agreement of my Government with the foregoing.

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

For the Government
of the Republic of India

COUNCIL REGULATION (EEC)

fixing the guaranteed prices applicable for cane sugar originating in the overseas countries and territories (OCT) for 1978/79

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 136 thereof,

Having regard to the recommendation from the Commission,

Whereas, in accordance with the terms of Annex XXI to the Final Act of the ACP-EEC Convention of Lomé⁽¹⁾, the Community guarantees, for cane sugar originating in the overseas countries and territories mentioned in the said Annex, the same treatment as provided for in Protocol 3 on ACP sugar annexed to the said Convention;

Whereas Council Decision 76/568/EEC of 29 June 1976 on the association of the overseas countries and territories with the European Economic Community⁽²⁾ embodies the application of this principle; whereas in accordance with Article 4 (4) of Annex IV to that Decision the guaranteed prices are fixed annually;

Whereas the guaranteed prices valid for 1978/79 for cane sugar originating in the ACP States have been fixed by Agreements in the form of exchanges of letters with the relevant ACP States; whereas it is now

necessary for the Council to fix the same guaranteed prices for cane sugar originating in the overseas countries and territories concerned,

HAS ADOPTED THIS REGULATION:

Article 1

For the period 1 July 1978 to 30 June 1979 the guaranteed prices referred to in Article 4 (4) of Annex IV to Decision 76/568/EEC shall be as follows:

- (a) for raw sugar, 27.91 units of account per 100 kilograms;
- (b) for white sugar, 34.49 units of account per 100 kilograms.

These prices shall refer to sugar of standard quality as defined in Community rules, unpacked, and cif European ports of the Community.

Article 2

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

It shall apply with effect from

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Council

The President

(1) OJ No L 25, 30. 1. 1976, p. 1.

(2) OJ No L 176, 1. 7. 1976, p. 8.

