

COMMISSION OF THE EUROPEAN COMMUNITIES

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Brussels, 18 February 1975

RECOMMENDATION FOR A DECISION

on the conclusion of agreements concerning cane sugar in the form of exchanges of letters between the European Economic Community and Barbados, the Peoples Republic of the Congo, Fiji, the Republic of Guyana, Jamaica, the Republic of Kenya, the Republic of Madagascar, the Republic of Malawi, Mauritius, the Kingdom of Swaziland, the United Republic of Tanzania, Trinidad and Tobago, and the Republic of Uganda

RECOMMENDATION FOR A DECISION OF THE COUNCIL

concerning the importation of cane sugar originating
in the overseas countries and territories (OCT)

(submitted to the Council by the Commission)

11230

COMMUNICATION FROM THE COMMISSION TO THE COUNCIL

concerning the introduction of transitional measures
in respect of cane sugar originating in the African,
Caribbean and Pacific States (ACP) and in the
overseas countries and territories (OCT).

1. The negotiations between the EEC and the ACP States resulted in an agreement on the texts comprising the new Convention, including the Protocol on cane sugar originating in the ACP States which produce and export cane sugar. These texts include a declaration by the Community that it will adopt measures analogous with those in the aforementioned Protocol in respect of the OCT. The Convention is expected to be signed at the end of February 1975.

Pending the entry into force of the Convention it is necessary to provide, both for the Community and for the ACP States covered by the Protocol concerning sugar, the appropriate legal framework for the application of the measures necessary to fulfil the reciprocal engagements that were the subject of the negotiations.

As commercial transactions are already in hand in respect of the quantities to be shipped before 30 June 1975 it is necessary that the legal framework under which they are carried out be introduced as soon as possible.

2. To this end, the Commission proposes to the Council that interim agreements, valid until the entry into force of the new Convention, and at the latest until 30 June 1976, should be concluded in the form of an exchange of letters between the Community, and the ACP States concerned.

The Commission also considers it necessary that the Council should adopt a decision that an arrangement, similar to that in the aforementioned exchange of letters, be made in order to guarantee imports of cane sugar from the OCT.

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3. Annexes to this communication :

I) Recommendation for a decision of the Council of the European Communities concerning the conclusion of interim agreements, relative to cane sugar originating in the ACP States, in the form of an exchange of letters between the Community and the latter.

II) Draft of exchanges of letters.

III) Recommendation for a decision of the Council concerning the importation of cane sugar originating in the OCT.

4. This procedure implies contacts between the ACP States who produce and export cane sugar, to know their procedural methods.

RECOMMENDATION FOR A DECISION

on the conclusion of agreements concerning cane sugar in the form of exchanges of letters between the European Economic Community and Barbados, the Peoples Republic of the Congo, Fiji, the Republic of Guyana, Jamaica, the Republic of Kenya, the Republic of Madagascar, the Republic of Malawi, Mauritius, the Kingdom of Swaziland, the United Republic of Tanzania, Trinidad and Tobago, and the Republic of Uganda.

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 the Convention between the European Economic Community and the ACP States was signed the at Lomé ; that a Protocol concerning cane sugar originating in the ACP States that produce and export cane sugar, that is to say Barbados, the Peoples Republic of the Congo, Fiji, the Republic of Guyana, Jamaica, the Republic of Kenya, the Republic of Madagascar, the Republic of Malawi, Mauritius, the Kingdom of Swaziland, the United Republic of Tanzania, Trinidad and Tobago, and the Republic of Uganda is an integral part of the aforementioned Convention ;

Whereas it is desirable, pending the entry into force of the Convention, for the Community now to undertake the purchase and import, at guaranteed prices, of the quantities of cane sugar which the aforementioned ACP States undertake to deliver ;

HAS DECIDED :

Article 1

The agreements concerning cane sugar in the form of exchanges of letters between the European Economic Community and Barbados, the Peoples Republic of the Congo, Fiji, the Republic of Guyana, Jamaica, the Republic of Kenya, the Republic of Madagascar, the Republic of Malawi, Mauritius, the

Kingdom of Swaziland, the United Republic of Tanzania, Trinidad, Tobago and the Republic of Uganda are concluded on behalf of the European Economic Community. The texts of these agreements are annexed to this Decision.

Article 2

The President of the Council is authorized to designate the person empowered to sign the agreements in the form of exchanges of letters mentioned in Article 1 and to confer on him the powers required in order to bind the Community.

Done at

For the Council
The President

DRAFT OF AN AGREEMENT

in the form of an exchange of letters concerning
cane sugar originating in the ACP States.

- A) Letter to the Government of Barbados, the Peoples Republic of the Congo, Fiji, the Republic of Guyana, Jamaica, the Republic of Kenya, the Republic of Madagascar, the Republic of Malawi, Mauritius, the Kingdom of Swaziland, the United Republic of Tanzania, Trinidad and Tobago, the Republic of Uganda.

.....,

Mr.,

Upon the signature of the Convention of Lomé between the EEC and the ACP States the, the Community and Barbados, the Peoples Republic of the Congo, Fiji, the Republic of Guyana, Jamaica, the Republic of Kenya, the Republic of Madagascar, the Republic of Malawi, Mauritius, the Kingdom of Swaziland, the United Republic of Tanzania, Trinidad and Tobago, the Republic of Uganda have agreed as follows : from 15 February 1975 until the date of the entry into force of the Convention of Lomé and at the latest until 30 June 1976, the dispositions of the Protocol on sugar from the ACP States annexed to the aforementioned Convention shall be applied.

I shall be obliged if you would kindly acknowledge receipt of this letter and confirm the agreement of your Government with its contents.

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

On behalf of the Council,

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B) Letter to

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Mr.

I have the honour to acknowledge receipt of your letter of this day which stated

" "

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

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

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RECOMMENDATION FOR A
DECISION OF THE COUNCIL

concerning the importation of cane sugar
originating in the overseas countries and territories (OCT).

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 it is desirable to provide in respect of cane sugar originating in the
overseas countries and territories arrangements analogous with those contained
in interim Agreements with certain ACP States concerning sugar ;

HAS DECIDED THIS DECISION :

Article 1

1. The European Economic Community shall purchase and import, at guaranteed prices,
specific quantities of cane sugar, raw or white, originating in the overseas
countries and territories (OCT) which the OCT deliver to it.
2. The implementation of this Decision shall be carried out within the framework
of the management of the common organisation of the sugar market.

Article 2

1. The quantities of cane sugar referred to in Article 1, expressed in metric
tons of white sugar, hereinafter referred to as "specified quantities", for
delivery in each twelve-month period referred to in Article 3 (1), shall be
as follows :

Belize
St. Kitts - Nevis - Anguilla
Surinam

2. Nevertheless, in respect of the period up to 30 June 1975 the specified quantities, expressed in metric tons of white sugar, shall be as follows :

Belize
St. Kitts - Nevis - Anguilla
Surinam

Article 3

1. In each twelve-month period from 1 July to 30 June inclusive, hereinafter referred to as the "delivery period", the OCT sugar exporters shall deliver the quantities referred to in Article 2 (1), subject always to any adjustments resulting from the application of Article 6. They shall also deliver the quantities referred to in Article 2 (2) in the period up to 30 June 1975, which shall also be regarded as a delivery period.
2. The quantities to be delivered up to 30 June 1975, referred to in Article 2 (2), shall include supply en route from port of shipment or, in the case of land-locked countries, across the frontier.
3. Deliveries of OCT cane sugar in the period up to 30 June 1975 shall benefit from the guaranteed prices applicable in the delivery period beginning 1 July 1975. Identical arrangements may be made for subsequent delivery periods.

Article 4

1. The white or raw cane sugar shall be marketed on the Community market at prices freely negotiated between buyers and sellers.
2. The Community shall not intervene if and when a Member State allows selling prices within its borders to exceed the Community's threshold price.

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3. The Community shall purchase, at the guaranteed price, quantities of white or raw sugar, within specified quantities, which cannot be marketed in the Community at a price equivalent to or in excess of the guaranteed price.
4. The guaranteed price, expressed in units of account, shall refer to unpacked sugar, cif European ports of the Community, and shall be fixed in respect of standard quality sugar.
5. For the period from 1 February 1975 to 30 June 1976 inclusive the guaranteed prices shall be as follows :
 - a) for raw sugar, 25,53 units of account per 100 kilogrammes ;
 - b) for white sugar, 31,72 units of account per 100 kilogrammes.These prices shall apply to unpacked sugar, cif European ports of the Community, and are fixed in respect of standard quality sugar as defined in Community regulations.

Article 5

Purchase at the guaranteed price, referred to in Article 4 (3), shall be assured through the medium of the intervention agencies or of other agents appointed by the Community.

Article 6

1. If, during any delivery periods, an OCT exporter of sugar fails to deliver its specified quantity in full for reasons of force majeure, the Commission, at the request of the Member State with which the OCT concerned has special relations, shall allow the necessary additional period for delivery.
2. If an OCT exporter of sugar informs the Commission during the course of a delivery period that it will be unable to deliver its specified quantity in full and that it does not wish to have the additional period referred to in paragraph 1 above, the shortfall shall be re-allocated by the Commission for delivery during the delivery period in question.

3. If during any delivery period, an OCT sugar exporter fails to deliver its specified quantity in full for reasons other than force majeure, that quantity shall be reduced in respect of each subsequent delivery period by the undelivered quantity.
4. It may be decided by the Commission that in respect of subsequent delivery periods, the undelivered quantity shall be re-allocated between the other OCT referred to in Article 2.

Article 7

The provisions of this Decision shall enter into force on 15 February 1975. They shall continue to apply up to the date on which the future Decision of the Council enters into force concerning the Association of OCT with the European Economic Community, and not later than 30 June 1976. If the future Decision enters into force before 30 June 1976, appropriate measures shall be taken to ensure the application up to 30 June 1976 of the guaranteed price laid down in Article 4 (5).

Done at

For the Council
The President