

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(77) 201 final

Brussels, 23 May 1977

Proposal 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, Fiji, the Republic of Guyana, Jamaica, the Republic of Kenya, the Democratic Republic of Madagascar, the Republic of Malawi, Mauritius, the Republic of Uganda, the People's Republic of the Congo, the Republic of Surinam, the Kingdom of Swaziland, the United Republic of Tanzania, Trinidad and Tobago

(submitted to the Council by the Commission)

EXPLANATORY MEMORANDUM

1. During the second meeting of the Council of ACP-EEC Ministers
it was considered

that the agreed quantities of cane sugar originally provided in Protocol No 3 on ACP sugar annexed to the ACP-EEC Convention of Lomé in respect of the People's Republic of the Congo, the Republic of Kenya, the Republic of Surinam and the Republic of Uganda should be restored to those states, without prejudice to the soundness and validity of the decisions taken by the Commission under the provisions of Article 7 of the above-mentioned Protocol in respect of the non-deliveries in 1975/76 and without retroactive application. 1)

This proposal was based on a recognition that the ACP states may have experienced difficulties in applying the Protocol in the first full year of its operation.

In response to the Council's invitation of 14 April 1977, the Commission recommends that it be authorised by the Council to negotiate Agreements, in the form of exchanges of letters of which drafts are submitted in Annex I, with the ACP states referred to in the above-mentioned Protocol. The Commission would in due course notify the results of the negotiation to the Council with a view to concluding the Agreements, in respect of which a proposed regulation is submitted in Annex II.

2. ANNEXES: - I Drafts of letters to be exchanged
- II Proposed Council Regulation on the conclusion of Agreements, in the form of exchanges of letters, between the European Economic Community and Barbados, Fiji, the Republic of Guyana, Jamaica, the Republic of Kenya, the Democratic Republic of Madagascar, the Republic of Malawi, Mauritius, the Republic of Uganda, the People's Republic of the Congo, the Republic of Surinam, the Kingdom of Swaziland, the United Republic of Tanzania, Trinidad and Tobago.

1) concerning an overall reduction of 21.000 t
of the quantities in question

Letter No 1

Brussels,

Sir,

I have the honour to inform you as follows:

1. Without prejudice to the soundness and validity of the decisions taken by the Commission of the European Communities under Article 7 of Protocol No 3 on ACP sugar annexed to the ACP-EEC Convention of Lomé confirming the absence of force majeure in respect of underdeliveries of cane sugar in the delivery period 1975/76 by the Republic of Kenya, the People's Republic of the Congo, the Republic of Surinam and the Republic of Uganda, the agreed quantities of cane sugar for these States, to which the said Protocol shall apply shall, with effect from 1976/77 delivery period, be as follows (expressed in tonnes of white sugar):

Kenya	5.000
Uganda	5.000
Peoplè's Republic of the Congo	10.000
Surinam	4.000

2. The quantities to be supplied in respect of the delivery period 1976/77 shall be delivered to the Community not later than 30 September 1977.

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

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

For the Council of the European Communities

Letter No 2

Sir,

I have the honour to acknowledge receipt of your letter of
..... May 1977 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 Barbados (1)

(1) A similar exchange of letters shall take place mutatis mutandis between the Community and the following ACP states: Fiji, the Republic of Guyana, Jamaica, the Republic of Kenya, the Democratic Republic of Madagascar, the Republic of Malawi, Mauritius, the Republic of Uganda, the People's Republic of the Congo, the Republic of Surinam, the Kingdom of Swaziland, the United Republic of Tanzania, Trinidad and Tobago.

Proposal for a
COUNCIL REGULATION (EEC)

on the conclusion of Agreements, in the form of exchanges of letters, between the European Economic Community and Barbados, Fiji, the Republic of Guyana, Jamaica, the Republic of Kenya, the Democratic Republic of Madagascar, the Republic of Malawi, Mauritius, the Republic of Uganda, the People's Republic of the Congo, the Republic of Surinam, the Kingdom of Swaziland, the United Republic of Tanzania, Trinidad and Tobago.

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, having regard to the initial difficulties inherent in operating Protocol No 3 on ACP sugar annexed to the ACP-EEC Convention of Lomé (1), it is appropriate that Agreements be concluded, in the form of exchanges of letters between the European Economic Community and the states referred to in the said Protocol, to restore to the People's Republic of the Congo, the Republic of Kenya, the Republic of Surinam and the Republic of Uganda the agreed quantities originally provided in the said Protocol in respect of those states,

HAS ADOPTED THIS REGULATION:

Article 1

The Agreements, in the form of exchanges of letters concluded on behalf of the Community between the European Economic Community and Barbados, Fiji, the Republic of Guyana, Jamaica, the Republic of Kenya, the Democratic Republic of Madagascar, the Republic of Malawi, Mauritius, the Republic of Uganda, the People's Republic of the Congo, the Republic of Surinam, the Kingdom of Swaziland, the United Republic of Tanzania, Trinidad and Tobago concerning the restoration to certain ACP states of their agreed quantities originally provided in Protocol No 3 on ACP sugar, are concluded on behalf of the Community.

1) O.J. No L 25, 30.1.1976, p.1

The texts of these Agreements are annexed to this Regulation.

Article 2

The President of the Council is authorised to designate the person empowered to sign the Agreements referred to in Article 1 and to confer on him the powers required to bind the Community.

Article 3

This Regulation shall enter into force 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

FINANCIAL STATEMENT

Annex to Doc.

Date 10.5.1977

1. Line of the Budget concerned : Article 640 Sugar restitutions

2. Title of the action : Proposal for a Council regulation on the conclusion of Agreements in the form of exchanges of letters, between the EEC and certain ACP states

3. Legal basis : Article 113 of the Treaty

4. Objectives of the action : Restoration for certain ACP states of agreed quantities originally provided for in Protocol No 3 EEC-ACP

5.0 Cost of the action	during the campaign	current exercise (77)	following exercise(78)
charge to the EC Budget 1)	max.3,5 MUA	max.3,5 MUA	max.3,5 MUA
charge to the national administrations			
charge to other national sectors			

5.1 Estimated costs Year 78 Year 79 Year 80
 max.3,5 MUA max.3,5 MUA max.3,5 MUA

5.2 Method of calculation
 max.21.000 t with an restitution of 165 uc/t (upon the hypothesis of the average rate when drafting the budget)

6.1 Possible financing by credits written into the relative chapter of the current Budget

Yes ~~No~~

~~6.2 Possible financing by transfers between chapters of the current Budget~~

~~Yes~~ ~~No~~

~~6.3 Necessity for a supplementary Budget~~ Yes No

6.4 Credits to be written into future budgets YES

Comments :

1) without taking into account the effect of a double rate