

WORLD TRADE ORGANIZATION

RESTRICTED

G/L/67

21 March 1996

(96-1024)

Original: English

THE FOURTH ACP-EEC CONVENTION OF LOME

LOME'S WAIVER NOTIFICATION

The following communication has been received from the Permanent Delegation of the European Commission.

Pursuant to paragraph 2 of the Decision of the contracting parties to the General Agreement on Tariffs and Trade of 9 December 1994¹ concerning the Fourth Lomé Convention, the Parties to the Convention wish to notify changes in the preferential treatment of imports of raw cane sugar. The modifications in question are set out in the attached documents.

¹L/7604.

COUNCIL DECISION

of 17 July 1995

on the conclusion of the Agreements in the form of an Exchange of Letters between the European Community and, on the one hand, Barbados, Belize, the Republic of the Congo, Fiji, the Cooperative Republic of Guyana, the Republic of Côte d'Ivoire, Jamaica, the Republic of Kenya, the Republic of Madagascar, the Republic of Malawi, the Republic of Mauritius, the Republic of Suriname, Saint Kitts and Nevis, the Kingdom of Swaziland, the United Republic of Tanzania, the Republic of Trinidad and Tobago, the Republic of Uganda, the Republic of Zambia, the Republic of Zimbabwe, and on the other hand, the Republic of India on the supply of raw cane sugar to be refined

(95/284/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 in conjunction with Article 228 (2), first sentence thereof,

Having regard to the proposal from the Commission,

Whereas negotiations with the ACP States Party to Protocol 8 on ACP sugar annexed to the Fourth ACP-EEC Convention and India have taken place in order to define the conditions under which imports of raw cane sugar from those countries under the additional quota will take place;

Whereas Article 16 of Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾ provides that tariff quotas resulting from agreements concluded in the framework of the Uruguay Round of multinational trade negotiations shall be opened and administered in accordance with detailed rules adopted under the procedure laid in Article 41 of the Regulation;

Whereas Article 37 (3) of Regulation (EEC) No 1785/81 states that a shortfall to fill the maximum needs of the Community refineries shall be covered by importing special preferential sugar at a special rate of duty under agreements with States referred to in Article 33 of that Regulation and other States;

Whereas the said negotiations have resulted in agreements which are subject to confirmation by the Governments of the ACP States concerned, on the one hand, and the Republic of India, on the other hand, and by the Community;

Whereas it is appropriate to open such a tariff quota for raw cane sugar to be refined for maintaining the current access for ACP States parties to Protocol 8 to the Fourth ACP-EEC Convention, the Republic of India and other third States;

Whereas it is appropriate to approve the Agreements in the form of an Exchange of Letters between the European Community and, on the one hand, the States referred to in the Protocol and, on the other hand, the Republic of India on the supply of raw cane sugar to be refined,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreements in the form of an Exchange of Letters between the European Community and, on the one hand, Barbados, Belize, the Republic of the Congo, Fiji, the Cooperative Republic of Guyana, the Republic of Côte d'Ivoire, Jamaica, the Republic of Kenya, the Republic of Madagascar, the Republic of Malawi, the Republic of Mauritius, the Republic of Suriname, Saint Kitts and Nevis, the Kingdom of Swaziland, the United Republic of Tanzania, the Republic of Trinidad and Tobago, the Republic of Uganda, the Republic of Zambia, the Republic of Zimbabwe, and on the other hand, the Republic of India on the supply of raw cane sugar to be refined are hereby approved on behalf of the Community.

The texts of Agreements are attached to this Decision.

Article 2

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

⁽¹⁾ OJ No 177, 1. 7. 1981, P. 4. Regulation as last amended by Regulation (EC) No 1101/95 (OJ No L 110, 17. 5. 1995, p. 1).

1. 8. 95

EN

Official Journal of the European Communities

No L 181/23

Article 3

This Decision shall be published in the *Official Journal of the European Communities*.

Done at Luxembourg, 17 July 1995.

For the Council
The President
L. ATIENZA SERNA

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 Côte d'Ivoire, Jamaica, the Republic of Kenya, the Republic of Madagascar, the Republic of Malawi, the Republic of Mauritius, the Republic of Suriname, Saint Kitts and Nevis, the Kingdom of Swaziland, the United Republic of Tanzania, the Republic of Trinidad and Tobago, the Republic of Uganda, the Republic of Zambia and the Republic of Zimbabwe on the supply of raw cane sugar to be refined

A. Letter No 1

Luxembourg, 17 July 1995

Sir,

The representatives of the ACP States and the European Communities have agreed as follows :

1. For the period 1 July 1995 to 30 June 2001
 - the European Community undertakes to open annually a special tariff quota for the import of raw cane sugar for refining which originates in the ACP States, on the basis of the needs determined by the Commission in accordance with paragraph 3,
 - the ACP States undertake to supply the said quantities under the conditions fixed by this agreement and by the measures taken by the Commission for the application of this agreement within the framework of the management of the common organization of the markets in the sugar sector.
2. The European Commission and the ACP States shall establish the cooperation procedures necessary to enable the two parties to this agreement to meet the commitments entered into.
3. The import needs of raw sugar for refining under this agreement shall be established by marketing year on the basis of a Community forward estimate taking account of:
 - the provisions of Council Regulation (EC) No 1101/95, amending Regulation (EEC) No 1785/81, concerning the system of preferential imports, and in particular Article 37 thereof,
 - the quantities which will be offered within the framework of other agreements with other third countries and which will actually be imported.
4. The Commission shall establish a first estimate of the total needs for imports of raw sugar for refining at the latest on 30 May preceding the marketing year concerned.

The Commission shall fix at the same time the quantities to cover, as a first instalment, the import needs of the Community's refineries for the longest practical period and at least eight months, broken down between the tariff quotas opened within the framework of other agreements with other third countries and the ACP special quota.

The ACP States shall notify their final export potential to the Commission at the latest on 1 February, before a second regular fixing shall be made for the further instalment to be covered by imports under the special ACP quota.
5. The special reduced rate of duty shall be fixed for the 1995/96 — 2000/01 marketing years at ECU 6,9 per 100 kgs raw sugar of standard quality.

The refiners which want to participate in this special reduced duty system must pay a minimum purchase price which is equal to the guaranteed price for raw sugar reduced by the adjustment aid fixed for the marketing year concerned in accordance with the provisions of Article 36 of Regulation (EEC) No 1785/81 mentioned under paragraph 3.

It is agreed that if the adjustment aid is increased or reduced by comparison with its existing level of ECU 1,20 per 100 kgs raw sugar a converse adjustment will be made in the reduced levy, so that the change in the adjustment aid does not affect the net receipts of the ACP suppliers.

It is further agreed that the level of the reduced levy will be reconsidered if:

- (a) the level of the guaranteed price established in accordance with the provisions of Protocol 8 annexed to the Fourth ACP-EEC Convention is reduced by comparison with the price applicable in the 1994/95 delivery period or
 - (b) the level of the world market price increases to the point where the objective of providing an incentive to supply the Community would be put at risk.
6. The ACP States shall undertake collectively to implement between themselves procedures for the allocation of the quantities under this special ACP quota in order to ensure the appropriate supplying of the refineries.
7. Before 1 January 2001, the two parties to this agreements shall open discussions on its possible continuation.

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 Community.

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

*On behalf of the Council
of the European Union*

B. *Letter No 2*

Brussels,

Sir,

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

The representatives of the ACP States and the European Community have agreed as follows :

1. For the period 1 July 1995 to 30 June 2001 :

- the European Community undertakes to open annually a special tariff quota for the import of raw cane sugar for refining which originates in the ACP States, on the basis of the needs determined by the Commission in accordance with paragraph 3,
- the ACP States undertake to supply the said quantities under the conditions fixed by this agreement and by the measures taken by the Commission for the application of this agreement within the framework of the management of the common organization of the markets in the sugar sector.

2. The European Commission and the ACP States shall establish the cooperation procedures necessary to enable the two parties to this agreement to meet the commitments entered into.

3. The import needs of raw sugar for refining under this agreement shall be established by marketing year on the basis of a Community forward estimate taking account of :

- the provisions of Council Regulation (EC) No 1101/95, amending Regulation (EEC) No 1785/81, concerning the system of preferential imports, and in particular Article 37 thereof,
- the quantities which will be offered within the framework of other agreements with other third countries and which will actually be imported.

4. The Commission shall fix at the same time the quantities to cover, as a first instalment, the import needs of the Community's refineries for the longest practical period and at least eight months, broken down between the tariff quotas opened within the framework of other agreements with other third countries and the ACP special quota.

The ACP States notify their final export potential to the Commission at the latest on 1 February, before a second regular fixing shall be made for the further instalment to be covered by imports under the special ACP quota.

5. The special reduced rate of duty shall be fixed for the 1995/96 — 2000/01 marketing years at ECU 6,9 per kgs raw sugar of standard quality.

The refiners which want to participate in this special reduced duty system must pay a minimum purchase price which is equal to the guaranteed price for raw sugar reduced by the adjustment aid fixed for the marketing year concerned in accordance with the provisions of Article 36 of Regulation (EEC) No 1785/81 mentioned under paragraph 3.

It is agreed that if the adjustment aid is increased or reduced by comparison with its existing level of ECU 1,20 per 100 kgs raw sugar a converse adjustment will be made in the reduced levy, so that the change in the adjustment aid does not affect the net receipts of the ACP suppliers.

- (a) the level of the guaranteed price established in accordance with the provisions of Protocol 8 annexed to the Fourth ACP-EEC Convention is reduced by comparison with the price applicable in the 1994/95 delivery period, or
- (b) the level of the world market price increases to the point where the objective of providing an incentive to supply the Community would be put at risk.

6. The ACP States shall undertake collectively to implement between themselves procedures for the allocation of the quantities under this special ACP quota in order to ensure the appropriate supplying of the refineries.
7. Before 1 January 2001, the two parties to this agreement shall open discussions on its possible continuation.

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 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 of
the ACP States
referred to in Protocol 8*

AGREEMENT

in the form of an exchange of letters between the European Community and the Republic of India on the supply of raw cane sugar to be refined

A. Letter No 1

Luxembourg, 17 July 1995

Sir,

The representatives of India and the European Community have agreed as follows:

1. For the period 1 July 1995 to 30 June 2001:

- the European Community undertakes to open annually a special tariff quota for the import of raw cane sugar for refining which originates in India, on the basis of the needs determined by the Commission in accordance with paragraph 3,
- in the event of an import need being established, India undertakes to supply 10 000 tonnes (WSE) under this special tariff quota and under the conditions fixed by this agreement and by the measures taken by the Commission for the application of this agreement within the framework of the management of the common organization of the markets in the sugar sector. Nothing in this indent should prevent the Community offering to India the possibility to supply more than 10 000 tonnes in the event of a shortfall in the total supplies obtained under other agreements.

2. The European Commission and India shall establish the cooperation procedures necessary to enable the two parties to this agreement to meet the commitments entered into.

3. The import needs of raw sugar for refining under this agreement shall be established by marketing year on the basis of a Community forward estimate taking account, of:

- the provisions of Council Regulation (EC) No 1101/95, amending Regulation (EEC) No 1785/81, concerning the system of preferential imports, and in particular Article 37 thereof,
- the quantities which will be offered within the framework of other agreements with other third countries and which will actually be imported.

4. The special reduced rate of duty shall be fixed for the 1995/96 — 2000/01 marketing years at ECU 6,9 per 100 kgs raw sugar of standard quality.

The refiners which want to participate in this special reduced duty system must pay a minimum purchase price which is equal to the guaranteed price for raw sugar reduced by the adjustment aid fixed for the marketing year concerned in accordance with the provisions of Article 36 of Regulation (EEC) No 1785/81 mentioned under paragraph 3.

It is agreed that if the adjustment aid is increased or reduced by comparison with its existing level of ECU 1,20 per 100 kgs raw sugar a converse adjustment will be made in the reduced levy, so that the change in the adjustment aid does not affect the net receipts of the India suppliers.

It is further agreed that the level of the reduced levy will be reconsidered if:

- (a) the level of the guaranteed price established in accordance with the agreement between the Community and India on raw sugar is reduced by comparison with the price applicable in the 1994/95 delivery period, or
- (b) the level of the world market price increases to the point where the objective of providing an incentive to supply the Community would be put at risk.

5. Before 1 January 2001, the two parties to this agreement shall open discussion on its possible continuation.

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 Government of India and the Community.

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

*On behalf of the Council
of the European Union*

Corrigendum to Commission Regulation (EC) No 2300/95 of 29 September 1995 setting the world market price for unginned cotton

(Official Journal of the European Communities No L 233 of 30 September 1995)

On page 34 in Article 2:

for: '... 30 September 1995.'

read: '... 1 October 1995.'

Corrigendum to the corrigendum to Council Decision 95/284/EC of 17 July 1995 on the conclusion of the Agreements in the form of an Exchange of Letters between the European Community and, on the one hand, Barbados, Belize, the Republic of the Congo, Fiji, the Cooperative Republic of Guyana, the Republic of Côte d'Ivoire, Jamaica, the Republic of Kenya, the Republic of Madagascar, the Republic of Malawi, the Republic of Mauritius, the Republic of Suriname, Saint Kitts and Nevis, the Kingdom of Swaziland, the United Republic of Tanzania, the Republic of Trinidad and Tobago, the Republic of Uganda, the Republic of Zambia, the Republic of Zimbabwe, and on the other hand, the Republic of India on the supply of raw cane sugar to be refined

(Official Journal of the European Communities No L 228 of 23 September 1995)

On page 27, the text of the corrigendum is replaced by the following:

'Annex: 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 Côte d'Ivoire, Jamaica, the Republic of Kenya, the Republic of Madagascar, the Republic of Malawi, the Republic of Mauritius, the Republic of Suriname, Saint Kitts and Nevis, the Kingdom of Swaziland, the United Republic of Tanzania, the Republic of Trinidad and Tobago, the Republic of Uganda, the Republic of Zambia and the Republic of Zimbabwe on the supply of raw cane sugar to be refined

On page 26, in letter No 2, paragraph 4, insert the following:

"4. The Commission shall establish a first estimate of the total needs for imports of raw sugar for refining at the latest on 30 May preceding the marketing year concerned.

The Commission shall fix at the same time the quantities to cover, as a first instalment, the import needs of the Community's refineries for the longest practical period and at least eight months, broken down between the tariff quotas opened within the framework of other agreements with other third countries and the ACP special quota.

The ACP States shall notify their final export potential to the Commission at the latest on 1 February, before a second regular fixing shall be made for the further instalment to be covered by imports under the special ACP quota."

Paragraph 5, second line:

for: "... at ECU 6,9 per kgs raw sugar ...",

read: "... at ECU 6,9 per 100 kgs raw sugar ...".

Paragraph 5:

Between the third subparagraph and point (a), insert the following introductory phrase:

"It is further agreed that the level of the reduced levy will be reconsidered if:"
