



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 2.2.2004  
COM(2004) 51 final

2004/0013 (ACC)

Proposal for a

### **COUNCIL DECISION**

**on the conclusion of the Agreement in form of an Exchange of Letters between the European Community and Barbados, Belize, the Republic of 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 Christopher 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 accession of the Republic of Mozambique to Protocol No 3 on ACP Sugar of Annex V to the ACP-EC Partnership Agreement**

(presented by the Commission)

## EXPLANATORY MEMORANDUM

1. A joint declaration, annexed to Protocol 3 on ACP sugar of Annex V to the ACP-EU Partnership Agreement, concerning possible requests for participation in the provisions of the 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. Mozambique requested by letter of 18 April 2002 its participation to that Protocol. The Community defined the conditions for this participation in earlier cases (Zambia and Papua New Guinea) as being that a new signatory to the Protocol would be allocated a 0 quota, that a technical examination should establish the capacity of the applicant country to fulfil on a permanent basis the obligation imposed by the Protocol and that the new signatory would be eligible to benefit from future reallocation under Article 7 of that Protocol.
3. The technical examination was carried out by the Commission in 2003. It resulted in the conclusion that Mozambique is a permanent net exporter of sugar. It was established that in addition to already existing preferential exports 130 000 tons of sugar are available for export to the world market.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133, in conjunction with the first sentence of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Joint Declaration in Protocol No 3 on ACP Sugar of Annex V to the ACP-EC Partnership Agreement<sup>1</sup> provides that any request from an African, Caribbean or Pacific (ACP) State Contracting Party to the Agreement not specifically referred to in that Protocol to participate in its provisions shall be examined;
- (2) The Republic of Mozambique is an ACP State Contracting Party to the ACP-EC Partnership Agreement and has requested to participate in the provisions of the said Protocol;
- (3) In a letter of 20 October 2003, the ACP States have signified their assent to the accession of Mozambique to the said Protocol;
- (4) Following an examination of the request of the Republic of Mozambique showing that the country is a net exporter of sugar and capable to export sugar on a permanent basis, it is appropriate to propose the accession of the Republic of Mozambique to the said Protocol,

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<sup>1</sup> OJ L 317, 15.12.2000, p. 269.

HAS DECIDED AS FOLLOWS:

*Article 1*

The Agreement in the form of an Exchange of Letters between the European Community and Barbados, Belize, the Republic of 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 Christopher 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 accession of the Republic of Mozambique to Protocol No 3 on ACP Sugar of Annex V to the ACP-EC Partnership Agreement is hereby approved on behalf of the 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 Community.

*Article 3*

This Decision will be published in the *Official Journal of the European Union*.

Done at Brussels,

*For the Council*  
*The President*

## AGREEMENT

**in the form of an Exchange of Letters between the European Community and Barbados, Belize, the Republic of 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 Christopher 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 accession of the Republic of Mozambique to Protocol No 3 on ACP Sugar of Annex V to the ACP-EC Partnership Agreement**

### *A. Letter No 1*

Brussels, .....

Sir,

The African, Caribbean and Pacific (ACP) States referred to in Protocol No 3 on ACP Sugar of Annex V to the ACP-EC Partnership Agreement, the Republic of Mozambique and the European Community have agreed on the following.

The Republic of Mozambique is hereby included in Article 3(1) of the said Protocol with effect from 1 July 2003 with an agreed quantity of 0 tonnes.

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*

*B. Letter No 2*

Brussels, .....

Sir,

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

"The African, Caribbean and Pacific (ACP) states referred to in Protocol No 3 on ACP Sugar of Annex V to the ACP-EC Partnership Agreement, the Republic of Mozambique and the European Community have agreed on the following.

The Republic of Mozambique is hereby included in Article 3(1) of the said Protocol with effect from 1 July 2003 with an agreed quantity of 0 tonnes.

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 your letter with the contents thereof.

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

*For the Governments of the ACP States  
referred to in Protocol No 3  
and of the Republic of Mozambique*

# FINANCIAL STATEMENT

1. BUDGET HEADING: 02 05 01 : B1-110		APPROPRIATIONS: € 1 285 million		
2. TITLE: Council Decision on the conclusion of the Agreement in form of an Exchange of Letters between the European Community and Barbados, Belize, the Republic of 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 Christopher 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 accession of the Republic of Mozambique to Protocol No 3 on ACP Sugar of Annex V to the ACP-EC Partnership Agreement				
3. LEGAL BASIS: Article 133 of the Treaty, in conjunction with the first sentence of Article 300(2) thereof				
4. AIMS: To agree that Mozambique should benefit from the terms of Protocol No 3 on ACP Sugar, thereby facilitating its exports of sugar to the EU.				
5. FINANCIAL IMPLICATIONS	12 MONTH PERIOD (EUR million)	CURRENT FINANCIAL YEAR 2004 (EUR million)	FOLLOWING FINANCIAL YEAR 2005 (EUR million)	
5.0 EXPENDITURE				
– CHARGED TO THE EC BUDGET (REFUNDS/INTERVENTIONS)	–	–	–	
– NATIONAL AUTHORITIES				
– OTHER				
5.1 REVENUE				
– OWN RESOURCES OF THE EC (LEVIES/CUSTOMS DUTIES)	–	–	–	
– NATIONAL				
	2006	2007	2008	2009
5.0.1 ESTIMATED EXPENDITURE	–	–	–	–
5.1.1 ESTIMATED REVENUE	–	–	–	–
5.2 METHOD OF CALCULATION: –				
6.0 CAN THE PROJECT BE FINANCED FROM APPROPRIATIONS ENTERED IN THE RELEVANT CHAPTER OF THE CURRENT BUDGET?				YES / <del>NO</del>
6.1 CAN THE PROJECT BE FINANCED BY TRANSFER BETWEEN CHAPTERS OF THE CURRENT BUDGET?				YES / <del>NO</del>
6.2 WILL A SUPPLEMENTARY BUDGET BE NECESSARY?				YES / NO
6.3 WILL APPROPRIATIONS NEED TO BE ENTERED IN FUTURE BUDGETS?				YES / <del>NO</del>
OBSERVATIONS: There are no budgetary implications.				