

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(80) 630 final

Brussels, 28 October 1980

Recommendation for a
COUNCIL REGULATION

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 Suriname, the Kingdom of Swaziland, the United Republic of Tanzania, Trinidad and Tobago, the Republic of Uganda, and the Republic of India, on guaranteed prices for cane sugar for 1980/81

Recommendation for a
COUNCIL REGULATION

fixing the guaranteed prices applicable for cane sugar originating in the overseas countries and territories (OCT) for 1980/81

(submitted to the Council by the Commission)

COM(80) 630 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 1980/81 with the States referred to in Article 3 of the Protocol on ACP sugar annexed to the ACP-EEC Convention of Lomé, the Republic of Suriname 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 according to the annexed drafts.
- (b) According to the Déclaration XXI 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 the Protocol on ACP sugar. The Commission recommends that the Council fix for sugar originating in the countries specified by the said Déclaration the same guaranteed prices for 1980/81 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 1980/81 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 Suriname, the Kingdom of Swaziland, the United Republic of Tanzania, Trinidad and Tobago, the Republic of Uganda and the Republic of India.
 - II. Draft 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 1980/81.

3. Financial implications

The financial implications have been taken into account in the framework of the financial implications of the agricultural prices for 1980/81 and of the draft budget proposals for 1981.

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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 Suriname, the Kingdom of Swaziland, the United Republic of Tanzania, Trinidad and Tobago, the Republic of Uganda, and the Republic of India, on guaranteed prices for cane sugar for 1980/81

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 Protocol 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 the Protocol on ACP sugar, the Republic of Suriname and the Republic of India, on the guaranteed prices for cane sugar for 1980/81,

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 Suriname, the Kingdom of Swaziland, the United Republic of Tanzania, Trinidad and Tobago, the Republic of Uganda, on the guaranteed prices for cane sugar for 1980/81, and the 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 1980/81, are hereby approved on behalf of the Community.

(1) OJ No L 25, 30.1.1976, p. 1

(2) OJ No L 190, 23.7.1975, p. 36

The texts of these Agreements are annexed to this Regulation.

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.

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

For the Council
The President

AGREEMENT

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 Suriname, 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 1980/81.

Letter No 1

Brussels,

Sir,

1. The representatives of the ACP States referred to in the Protocol on ACP sugar annexed to the ACP-EEC Convention of Lomé, the Republic of Suriname, 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 1980 to 30 June 1981 the guaranteed prices referred to in Article 5(4) of the Protocol shall, for the purpose of intervention within the terms of Article 6 of the Protocol, be

- (a) for raw sugar, 35.89 ECU per 100 kilograms,
- (b) for white sugar, 44.48 ECU per 100 kilograms.

These prices, which represent an increase of 5.16% over those of the preceding year, shall refer to sugar of standard quality as defined in Community legislation, unpacked, c.i.f., European ports of the Community.

2. Although retroactivity is not provided for in respect of the 1980/81 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 the Protocol on ACP sugar annexed to the ACP-EEC Convention of Lomé.

3. It was noted that despite the concern expressed by the ACP States the previous year over the burden of freight charges the Council of Ministers of the Community had not authorized the inclusion of any factor in respect of freight charges in the determination of the guaranteed prices for the delivery period 1980/81. The ACP States explained that this cost had risen by almost 60% since last year, thus constituting an important factor, and requested that the Community should give serious consideration to the possibility of alleviating the effect of these charges on the ACP States. The Community, while reiterating that Article 5(4) set the guaranteed price at the c.i.f. stage, recognized the ACP States' concern at the increasing levels of freight rates and undertook to reconsider the ACP 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 above-mentioned ACP States 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 this letter 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 1980/81

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 1980 to 30 June 1981 the guaranteed prices referred to in Article 5(4) of the Agreement shall, for the purpose of intervention within the terms of Article 6 of the Agreement, be

- (a) for raw sugar, 35.89 ECU per 100 kilograms,
- (b) for white sugar, 44.48 ECU per 100 kilograms.

These prices, which represent an increase of 5.16% over those of the preceding year, shall refer to sugar of standard quality as defined in Community legislation, unpacked, c.i.f., European ports of the Community.

2. Although retroactivity is not provided for in respect of the 1980/81 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.
3. It was noted that despite the concern expressed by the Republic of India the previous year over the burden of freight charges the Council of Ministers of the Community had not authorized the inclusion of any factor in respect of freight charges in the determination of the guaranteed prices for the delivery period 1980/81. The Republic of India explained that this cost had risen by almost 60% since last year, thus constituting an important factor, and requested that the Community

should give serious consideration to the possibility of alleviating the effect of these charges on the Republic of India. The Community, while reiterating that Article 5(4) set the guaranteed price at the c.i.f. stage, recognized the concern of the Republic of India at the increasing levels of freight rates and undertook to reconsider the request of the Republic of India.

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 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 my Government with the foregoing.

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

For the Government
of the Republic of India

Recommendation for a
COUNCIL REGULATION

fixing the guaranteed prices applicable for cane sugar originating in the overseas countries and territories (OCT) for 1980/81

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 the Protocol 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), as last amended by Council Decision 80/162/EEC(3), puts this principle into effect; whereas under Article 4(4) of Annex IV to that Decision the guaranteed prices are fixed annually;

Whereas the guaranteed prices valid for 1980/81 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 therefore 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 1980 to 31 June 1981 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, 35.89 ECU per 100 kilograms;
- (b) for white sugar, 44.48 ECU per 100 kilograms.

(1) OJ No L 25, 30.1.1976, p. 1

(2) OJ No L 176, 1.7.1976, p. 8

(3) OJ No L 35, 12.2.1980, p. 26

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

Article 2

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

It shall apply with effect from 1 July 1980.

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

Done at

For the Council
The President