

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(94) 8 final

Brussels, 24 January 1994

Proposal for a

COUNCIL DECISION

concerning the signing and provisional application
of the International Cocoa Agreement 1993 on behalf
of the Community.

(presented by the Commission)

Explanatory memorandum

1. By Written Procedure E/93/1776-COM(93)513, dated 26 October, the Commission approved a proposal for a Council Decision concerning the signing and provisional application of the International Cocoa Agreement 1993 on behalf of the Community and its Member States.
 2. With the entry into force of the Treaty on European Union, Article 116 of the Treaty of Rome which, together with Article 113 had formed the legal basis for the proposal, ceased to exist.
 3. Since the adoption and implementation by the Community of the International Cocoa Agreement 1993 was a question of urgency, a pragmatic solution was deemed to represent the best response.
 4. This new proposal accordingly reflects these considerations, while taking care to retain as much as possible of the structure of the original proposal.
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Proposal for a Council Decision of ...
concerning the signing and provisional application
of the International Cocoa Agreement 1993
on behalf of the Community

The Council of the European Union,

Having regard to the Treaty establishing the European Community and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas the International Cocoa Agreement 1993 negotiated on the basis of Resolution 93 (IV), the "new partnership for development: Cartagena Commitment" and the relevant objectives in the final document "Cartagena Spirit" adopted by the United Nations Trade and Development Conference at its eighth session, is open for signing from 16 August to 30 September 1993;

Whereas under the Decision adopted by the International Cocoa Council at the 46th regular session held in London from 9 to 18 September 1993, the deadline for the signing and also the ratification, acceptance or approval of the International Agreement 1993 was extended from 1 October 1993 to 28 February 1994;

Whereas the International Cocoa Agreement 1986 expired on 30 September 1993 and whereas the new Agreement must be applied as soon as possible;

Whereas the objectives pursued by the Agreement fit into the context of the common commercial policy;

Whereas the Member States are called upon to participate, by financial contributions, in the actions provided for by the said Agreement;

Whereas all the Member States have expressed their intention to sign, and to contribute towards provisional application of the Agreement and whereas the Community should sign the Agreement lodged with the Secretary-General of the United Nations and notify, by 28 February 1994, its intention to apply the new Agreement provisionally,

HAS DECIDED AS FOLLOWS:

Article 1

1. The Community shall sign by 28 February 1994 the International Cocoa Agreement 1993 lodged with the Secretary-General of the United Nations. The text is attached to this Decision.
2. The Community shall notify the Secretary-General of the United Nations of its intention to apply the International Cocoa Agreement 1993 on a provisional basis, in accordance with Articles 55 and 56(2) of the Agreement.

Article 2

The President of the Council is hereby authorized to designate the person empowered to sign the Agreement and deposit the notification of provisional application on behalf of the Community.

Done at Brussels,

For the Council

The President

Declarations to be entered in the minutes

1. The Council and the Commission declare that, in view of the particular urgency of the entry into force of the International Cocoa Agreement 1993, this Decision is being adopted in order to enable the Agreement to enter into force as soon as possible. It is being taken with the pragmatic aim of adhering as closely as possible to existing practices and it does not prejudice the basis and nature of future measures concerning commodities, including the renewal of this Agreement.
2. The Member States' representatives meeting within the Council declare that their governments are prepared to sign the new International Agreement on cocoa as soon as possible, together with the Community, and to ensure, by common accord with the European Community, its provisional application.

Those states which cannot decide to apply the Agreement on a provisional basis by an act of their Government will begin their parliamentary ratification procedures as soon as possible. Pending ratification they will take all measures to ensure that the Agreement can be applied as regards the Community's competences.

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