COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 23.08.2005
COM(2005) 383 final

2005/0163 (ACC)

Proposal for a

COUNCIL DECISION

on the conclusion of a Protocol amending the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part, on a tariff quota for the imports of sugar and sugar products originating in the former Yugoslav Republic of Macedonia into the Community

(presented by the Commission)

EXPLANATORY MEMORANDUM

The Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part, (hereinafter referred to as "the SAA") was signed in Luxembourg on 9 April 2001 and entered into force on 1 April 2004.

On 28 February 2005 the Council authorised the Commission to enter into negotiations with the former Yugoslav Republic of Macedonia to amend the preferential arrangements as regards imports of sugar originating in the former Yugoslav Republic of Macedonia into the Community under the SAA, so as to replace the current duty-free access for unlimited quantities with an annual duty-free tariff quota.

These negotiations have been successfully concluded and appropriate amendments to the SAA in the form of a Protocol amending the SAA should be adopted by the Council. To that effect, the Commission submits to the Council a proposal for the conclusion of the Protocol.

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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 the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) On 28 February 2005 the Council authorised the Commission to enter into negotiations with the former Yugoslav Republic of Macedonia to amend the preferential arrangements as regards imports of sugar originating in the former Yugoslav Republic of Macedonia into the Community under the Stabilisation and Association Agreement between the European Communities and their Member States of the one part, and the former Yugoslav Republic of Macedonia, of the other part[1] (hereinafter: 'SAA').

(2) These negotiations have been successfully concluded and the Protocol amending the SAA should be concluded by the European Community.

(3) The measures necessary for the implementation of this Protocol should be adopted by the Commission according to the same procedure as that provided for as regards the implementation of Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector[2],

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1 OJ L 84, 20.3.2004, p. 1.

2 OJ L 178, 30.6.2001, p. 1. Regulation as last amended by Regulation (EC) No 39/2004 (OJ L 6, 10.1.2004, p. 16).

HAS DECIDED AS FOLLOWS:

Article 1

1. The Protocol amending the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part, on a tariff quota for the imports of sugar and sugar products originating in the former Yugoslav Republic of Macedonia into the Community (hereinafter referred to as "the Protocol"), is hereby approved on behalf of the European Community.

2. The text of the Protocol is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Protocol in order to express the consent of the Community to be bound thereby.

Article 3

The Commission shall adopt the detailed rules for implementing the Protocol in accordance with the procedure laid down in Article 4 of this Decision.

Article 4

1. The Commission shall be assisted by the Management Committee for Sugar instituted by Article 42 of Council Regulation (EC) No 1260/2001.

2. Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC shall apply.

3. The period provided for in Article 4(3) of Decision 1999/468/EC shall be one month.

Done at Brussels,

For the Council
The President

PROTOCOL

amending the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part, on a tariff quota for the imports of sugar and sugar products originating in the former Yugoslav Republic of Macedonia into the Community

THE EUROPEAN COMMUNITY, hereinafter referred to as "the Community",

of the one part, and

THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA,

of the other part,

Whereas:

(1) The Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part, (hereinafter referred to as "the SAA") was signed in Luxembourg on 9 April 2001 and entered into force on 1 April 2004.

(2) Negotiations have taken place to alter the preferential arrangements in the SAA with regard to imports of sugar and sugar products originating in the former Yugoslav Republic of Macedonia into the Community.

(3) Appropriate amendments to the SAA should be adopted,

HAVE AGREED AS FOLLOWS:

Article 1

The SAA is hereby amended as follows:

(1) Article 27 is amended as follows:

(a) In paragraph (1) the first subparagraph is replaced by the following:

"The Community shall abolish the custom duties and charges having equivalent effect on imports of agricultural products originating in the former Yugoslav Republic of Macedonia, other than those of heading Nos 0102, 0201, 0202, 1701, 1702 and 2204 of the Combined Nomenclature."

(b) In paragraph (2) the following subparagraph is added:

"The Community shall apply duty-free access on import into the Community for products originating in the former Yugoslav Republic of Macedonia of headings 1701 and 1702 of the Combined Nomenclature, within the limit of an annual tariff quota of 7000 tonnes (net weight)."

(2) In the table in Annex I to Protocol 3 the references to products falling under heading 1702 of the Combined Nomenclature are deleted.

Article 2

This Protocol shall form an integral part of the SAA.

Article 3

This Protocol shall enter into force on the first day of the month following the date of signature.

Article 4

This Protocol is drawn up in duplicate in each of the official languages of the contracting parties, each of these texts being equally authentic.

Done at Brussels,

For the European Community *For the former Yugoslav Republic of Macedonia*