II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 30 March 2004

on the conclusion of 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 concerning the accession of the Republic of Mozambique to Protocol No 3 on ACP Sugar of Annex V to the ACP-EC Partnership Agreement

(2004/804/EC)

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 Partnership Agreement between the African, Caribbean and Pacific States and the European Community and its Member States signed in Cotonou (Benin) on 23 June 2000 ('ACP-EC Partnership Agreement') [1] 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 the Republic 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,

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 authorised to designate the person(s) empowered to sign the Agreement in the form of an Exchange of Letters in order to bind the Community.

Article 3

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

Done at Brussels, 30 March 2004.

For the Council
The President
M. McDOWELL

[1] OJ L 317, 15.12.2000, p. 269.