



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 25.5.2004
COM(2004) 386 final

2004/0126 (ACC)

Proposal for a

COUNCIL DECISION

on the request by Burkina Faso to accede to the Protocol on ACP Sugar

(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. Burkina Faso requested by letter of 8 November 2000 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 Burkina Faso is not a permanent net exporter of sugar. It was established that consumption is higher than production and that exports under the EBA (Everything But Arms Initiative) provisions are substituted by imports as well as that situation is not likely to change fundamentally in the short and medium term.
4. Recommendation

The Commission recommends the Council to adopt the attached Decision.

This decision should be published in the *Official Journal of the European Union*.

Proposal for a

COUNCIL DECISION

on the request by Burkina Faso to accede to the Protocol on ACP Sugar

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 Agreement¹ provides that any request from an African, Caribbean or Pacific (ACP) State Contracting Party to the Convention not specifically referred to in that Protocol to participate in its provisions shall be examined.
- (2) Burkina Faso is an ACP State Contracting Party to the ACP-EC Partnership Agreement and has requested in November 2000 to participate in the provisions of the said Protocol.
- (3) In a letter of 30 September 2002, the ACP States have signified their assent to the accession of Burkina Faso to the said Protocol.
- (4) Following an examination of the request of Burkina Faso showing that the country is not a net exporter of sugar and not capable to export sugar on a permanent basis.
- (5) It is appropriate to transmit this conclusion to Burkina Faso by letter.

¹ OJ L 317, 15.12.2000, p. 267.

HAS DECIDED AS FOLLOWS:

Sole Article

The request by Burkina Faso to accede to Protocol 3 on ACP sugar of Annex V to the ACP-EC Partnership Agreement is not accepted.

The attached letter is sent to Burkina Faso.

Done at Brussels,

For the Council
Member of the Council

ANNEX

Brussels,

Your Excellency,

I have the honour to refer to your letter dated 8 November 2000 requesting accession to the Protocol on ACP sugar. In conformity with the Joint Declaration annexed to the Protocol on ACP sugar the European Community has examined your request and has come to the conclusion that Burkina Faso is at present not in a position to fulfil on a permanent basis the obligations of the Protocol. In previous cases, the capacity to fulfil these obligations was defined by the fact that the country in question was a net exporter of sugar.

I regret therefore that the Community cannot accept Burkina Faso's request to join the Sugar Protocol.

A copy of this letter is sent to the Secretary General of the ACP States

Please accept, Your Excellency, the assurance of my highest consideration.

On behalf of the Council of the European Union

FINANCIAL STATEMENT

1. BUDGET HEADING: 05 02 05 01 and 05 02 05 07		APPROPRIATIONS: EUR 1 285 million and EUR 41 million		
2. TITLE: Council Decision on the request by Burkina Faso to accede to the Protocol on ACP Sugar				
3. LEGAL BASIS: Article 133 of the Treaty				
4. AIMS: To reject the request by Burkina Faso to accede to Protocol No 3 on ACP Sugar.				
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 / NO	
6.1 CAN THE PROJECT BE FINANCED BY TRANSFER BETWEEN CHAPTERS OF THE CURRENT BUDGET?			YES / NO	
6.2 WILL A SUPPLEMENTARY BUDGET BE NECESSARY?			YES / NO	
6.3 WILL APPROPRIATIONS NEED TO BE ENTERED IN FUTURE BUDGETS?			YES / NO	
OBSERVATIONS: The measure has no financial impact.				