COUNCIL DECISION
of 28 September 2007

denouncing on behalf of the Community Protocol 3 on ACP sugar appearing in the ACP-EEC
Convention of Lomé and the corresponding declarations annexed to that Convention, contained
in Protocol 3 attached to Annex V to the ACP-EC Partnership Agreement, with respect to Barbados,
Belize, the Republic of Congo, the Republic of Côte d’Ivoire, the Republic of the Fiji Islands, the
Republic of Guyana, Jamaica, the Republic of Kenya, the Republic of Madagascar, the Republic of
Malawi, the Republic of Mauritius, the Republic of Mozambique, the Federation of Saint Kitts and
Nevis, the Republic of Suriname, 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

(2007/627/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 the first subparagraph of Article 300(2)
thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) Under Protocol 3 on ACP sugar appearing in the ACP-
EEC Convention of Lomé signed on 28 February 1975
and the corresponding declarations annexed to that
Convention (Sugar Protocol), contained in Protocol 3
attached to Annex V to the Partnership Agreement
between the members of the African, Caribbean and
Pacific Group of States of the one part, and the
European Community and its Member States, of the
other part, signed in Cotonou on 23 June 2000 (ACP-
EC Partnership Agreement) (1), the Community
undertakes to purchase and import, at guaranteed
prices, specific quantities of cane sugar, raw or white,
which originate in the signatory ACP States and which
those States undertake to deliver to the Community. The
Sugar Protocol provides that the Protocol may be
denounced by the Community with respect to each
ACP State and by each ACP State with respect to the
Community, subject to two years’ notice.

(2) The current trade provisions applicable to the ACP States,
set out in Annex V to the ACP-EC Partnership
Agreement, expire on 31 December 2007. In accordance
with Article 36 of the ACP-EC Partnership Agreement,
the Economic Partnership Agreements (EPAs) will
provide the new legal framework for trade with ACP
States and will replace the trade regime of the ACP-EC
Partnership Agreement. Article 36(4) of the ACP-EC Part-
nership Agreement requires the parties to review the
Sugar Protocol in the context of EPA negotiations. The
waiver from the Community’s obligations under Article I
of the GATT with regard to the trade preferences to ACP
States under ACP-EC Partnership Agreement, granted by
the WTO Ministerial Conference in Doha on 14
November 2001, also expires on 31 December 2007.

(3) In order to ensure that the import regime for sugar is
included in the import regime envisaged by EPAs, it is
appropriate to take all necessary steps to ensure the
termination of the Sugar Protocol and any commitments
contained therein at a sufficiently early stage in view of
the two years’ notice requirement under the Sugar
Protocol.

(4) The arrangements of the Sugar Protocol have served the
interests of both the ACP States and the Community, by
guaranteeing ACP exporters an outlet to a profitable
market and ensuring a regular supply for Community
cane sugar refiners. However, the arrangements of the
Sugar Protocol can no longer be maintained. In the
context of a reformed Community sugar market, the
Community will cease to guarantee prices to European
sugar producers as the former mechanism of intervention
is being phased out.

(5) In the context of a transition towards liberalisation of
ACP-EC trade, unlimited quantities cannot coexist with
the price and volume guarantees of the Sugar Protocol.
As regards least developed countries, unlimited access for
sugar is scheduled under the Everything But Arms (EBA)
initiative as from 1 July 2009. Since the beginning of the
second phase of the transition period is foreseen on 1
October 2009 the EBA sugar regime should be adjusted
accordingly.

Denunciation does not prejudge a subsequent mutual agreement between the Community and the ACP States on the treatment of sugar in the context of comprehensive EPAs.

It is therefore necessary to denounce the Sugar Protocol in accordance with Article 10 thereof, and to notify each ACP State signatory to the Sugar Protocol of such denunciation.

HAS DECIDED AS FOLLOWS:

Article 1
Protocol 3 on ACP Sugar appearing in the ACP-EEC Convention of Lomé signed on 28 February 1975 and the corresponding declarations annexed to that Convention, contained in Protocol 3 attached to Annex V to the ACP-EC Partnership Agreement signed in Cotonou on 23 June 2000, is hereby denounced on behalf of the Community with effect from 1 October 2009 with respect to Barbados, Belize, the Republic of Congo, the Republic of Côte d’Ivoire, the Republic of the Fiji Islands, the Republic of Guyana, Jamaica, the Republic of Kenya, the Republic of Madagascar, the Republic of Malawi, the Republic of Mauritius, the Republic of Mozambique, the Federation of Saint Kitts and Nevis, the Republic of Suriname, 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.

Article 2
The President of the Council is hereby authorised to designate the person(s) empowered to notify the Governments of Barbados, Belize, the Republic of Congo, the Republic of Côte d’Ivoire, the Republic of the Fiji Islands, the Republic of Guyana, Jamaica, the Republic of Kenya, the Republic of Madagascar, the Republic of Malawi, the Republic of Mauritius, the Republic of Mozambique, the Federation of Saint Kitts and Nevis, the Republic of Suriname, 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 of the denunciation of the said Protocol.

Article 3
This Decision shall be published in the Official Journal of the European Union.

Done at Brussels, 28 September 2007.

For the Council
The President
M. PINHO