

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 21 June 2005

on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the United States of America relating to the method of calculation of applied duties for husked rice and amending Decisions 2004/617/EC, 2004/618/EC and 2004/619/EC

(2005/476/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) On 26 June 2003, the Council authorised the Commission to open negotiations under Article XXVIII of the GATT 1994 with a view to modifying certain concessions for rice. Accordingly, the European Community notified the WTO on 2 July 2003 of its intention to modify certain concessions in EC Schedule CXL.
- (2) Negotiations have been conducted by the Commission in consultation with the Committee established by Article 133 of the Treaty and within the framework of the negotiating directives issued by the Council.
- (3) The Commission has negotiated with the United States of America, having a principal supplying interest in products of HS code 1006 20 (husked rice) and substantial supplier interest in products of HS code 1006 30 (milled rice), Thailand, having a principal supplying interest in products of HS code 1006 30

(milled rice) and substantial supplier interest in products of HS code 1006 20 (husked rice) and India and Pakistan, each having a substantial supplier interest in products of HS code 1006 20 (husked rice).

- (4) The Agreements with India and with Pakistan have been approved on behalf of the Community by Council Decisions 2004/617/EC ⁽¹⁾ and 2004/618/EC ⁽²⁾ respectively. A new tariff rate for husked rice (CN code 1006 20) and milled rice (CN code 1006 30) was fixed by Council Decision 2004/619/EC ⁽³⁾.
- (5) The Commission has successfully negotiated an Agreement in the form of an Exchange of Letters between the European Community and the United States of America which should therefore be approved.
- (6) In order to ensure that the Agreement may be fully applied as from 1 March 2005 and pending the amendment of Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice ⁽⁴⁾, the Commission should be authorised to adopt temporary derogations from that Regulation, and to adopt implementing measures.
- (7) For the same reason the corresponding derogations contained in Decisions 2004/617/EC, 2004/618/EC and 2004/619/EC should also be extended until 30 June 2006.

⁽¹⁾ OJ L 279, 28.8.2004, p. 17.

⁽²⁾ OJ L 279, 28.8.2004, p. 23.

⁽³⁾ OJ L 279, 28.8.2004, p. 29.

⁽⁴⁾ OJ L 270, 21.10.2003, p. 96.

- (8) For the sake of legal certainty, it is also appropriate to clarify in Decisions 2004/617/EC and 2004/618/EC that the authorisation given to the Commission to adopt temporary derogations from Regulation (EC) No 1785/2003 for implementing the Agreements concerned also includes the authorisation to adopt detailed implementing measures.
- (9) The measures necessary for the implementation of this Decision should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽¹⁾,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an Exchange of Letters between the European Community and the United States of America relating to the method of calculation of applied duties for husked rice is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

1. To the extent necessary to permit the full application of this Agreement as from 1 March 2005, the Commission may derogate from Regulation (EC) No 1785/2003, in accordance with the procedure referred to in Article 6(2) of this Decision, until that Regulation is amended but at the latest until 30 June 2006.
2. The Commission shall adopt the detailed rules for implementing the Agreement in accordance with the procedure laid down in Article 6(2) of this Decision.

Article 3

Article 2 of Decision 2004/617/EC shall be replaced by the following:

'Article 2

1. To the extent necessary to permit the full application of this Agreement by 1 September 2004, the Commission may derogate from Regulation (EC) No 1785/2003, in accordance with the procedure referred to in Article 3(2) of this Decision, until that Regulation is amended but at the latest until 30 June 2006.
2. The Commission shall adopt the detailed rules for implementing the Agreement in accordance with the procedure referred to in Article 3(2) of this Decision.'

Article 4

Article 2 of Decision 2004/618/EC shall be replaced by the following:

'Article 2

1. To the extent necessary to permit the full application of this Agreement by 1 September 2004, the Commission may derogate from Regulation (EC) No 1785/2003, in accordance with the procedure referred to in Article 3(2) of this Decision, until that Regulation is amended but at the latest until 30 June 2006.

2. The Commission shall adopt the detailed rules for implementing the Agreement in accordance with the procedure referred to in Article 3(2) of this Decision.'

Article 5

In Article 2 of Decision 2004/619/EC, the date '30 June 2005' shall be replaced by the date '30 June 2006'.

Article 6

1. The Commission shall be assisted by the Management Committee for Cereals instituted by Article 25 of Regulation (EC) No 1784/2003 ⁽²⁾.
2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

3. The Committee shall adopt its Rules of Procedure.

Article 7

The President of the Council is hereby authorised to designate the person empowered to sign the Agreement in order to bind the Community ⁽³⁾.

Done at Luxemburg, 21 June 2005.

For the Council
The President
F. BODEN

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

⁽²⁾ OJ L 270, 21.10.2003, p. 78.

⁽³⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.