



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 27.8.2007
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Proposal for a

COUNCIL DECISION

**on the conclusion of the Protocol amending the Cooperation Agreement
between the European Economic Community and the Kingdom of Thailand
on manioc production, marketing and trade**

(presented by the Commission)

EXPLANATORY MEMORANDUM

In 1982 the EC and the Kingdom of Thailand signed a bilateral agreement on manioc, providing for an import quota of 21 million t of manioc chips over a 4-year period, with some flexibility on the annual quantities based on administrative cooperation.

Manioc imports from Thailand to the EC according to the annual quota are currently subject to the delivery of export certificates and import licences. The import regime of manioc through export certificates and import licences is determined by Article 5 of the 1982 Cooperation Agreement between EC and the Kingdom of Thailand, covering the production, marketing and trade of manioc. The Cooperation Agreement is automatically renewed every four years.

On 10 April 2006 the Commission received a mandate from the Council to open negotiations with the Kingdom of Thailand to amend the Cooperation Agreement between the European Community and the Kingdom of Thailand. The objective of the amendment was to amend Article 5 of the Cooperation Agreement and change the management of the import regime for imports of manioc from Thailand into the Community into 'first come first served' (FCFS) system managed by TAXUD. The new system will greatly simplify management and reduce the costs of the import regime.

These negotiations have been successfully concluded and the appropriate amendments to the Cooperation Agreement should be adopted by the Council.

Proposal for a

COUNCIL DECISION

on the conclusion of the Protocol amending the Cooperation Agreement between the European Economic Community and the Kingdom of Thailand on manioc production, marketing and trade

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133(3), in conjunction with Article 300(2), first subparagraph, first sentence thereof,

Having regard to the proposal from the Commission¹,

Whereas:

- (1) On 10 April 2006 the Council authorised the Commission to open negotiations with a view to ensuring compatibility between the Cooperation Agreement between the European Economic Community and the Kingdom of Thailand on manioc production, marketing and trade, hereinafter 'cooperation agreement', and Commission Regulation (EEC) No 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code².
- (2) These negotiations aimed to amend Article 5 of the cooperation agreement in order to bring it in line with the provisions of Articles 308a to 308c of Regulation (EEC) No 2454/93 (management of tariff quotas designed to be used following the chronological order of dates of customs declarations) and of Articles 55 to 65 of that Regulation (specific provisions relating to certificates of origin for certain agricultural products subject to special import arrangements).
- (3) Negotiations have been conducted by the Commission within the negotiation mandate issued by the Council.
- (4) The Commission has reached Agreement in the form of Agreed Minutes with the Kingdom of Thailand, holding supplying interest in products of CN code 0714 10 10, 0714 10 91 and 0714 10 99.
- (5) That Agreement should be approved.

1 OJ C ..., ..., p.

2 OJ L 302, 19.10.1992, p. 1.

HAS DECIDED AS FOLLOWS:

Article 1

1. The Protocol amending the cooperation Agreement between the European Economic Community and the Kingdom of Thailand relating to the amendment of Article 5 of the Cooperation Agreement between the European Economic Community and the Kingdom of Thailand on manioc production, marketing and trade is hereby approved on behalf of the 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 empowered to sign the Agreement referred to in Article 1 in order to bind the Community.

Article 3

To the extent necessary to permit the full application of this Agreement by 1 January 2008, the Commission shall adopt the detailed rules for implementing the agreement in accordance with the procedure referred to in Article 4(2) of this Decision.

Article 4

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

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

Article 5

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

Done at Brussels, ...

For the Council
The President

PROTOCOL

amending the Cooperation Agreement between the Kingdom of Thailand and the European Economic Community on manioc production, marketing and trade

THE COUNCIL OF THE EUROPEAN UNION,

of the one part,

THE GOVERNMENT OF THE KINGDOM OF THAILAND

of the other part,

HAVING HELD at the request of the European Community negotiations with a view to amend Article 5 of the Cooperation Agreement on manioc production, marketing and trade, hereinafter referred to as the cooperation agreement, in order to bring it in line with the provisions of Articles 55 to 65 and 308a to 308c of Commission Regulation (EEC) No 2454/93,

AFFIRMING their willingness to maintain the cooperation agreement in force,

HAVE DECIDED to amend the cooperation agreement in respect of the relevant provisions of Article 5 by this protocol and to this end have designated their plenipotentiaries:

THE COUNCIL OF THE EUROPEAN UNION,

THE GOVERNMENT OF THE KINGDOM OF THAILAND

WHO, having exchanged their Full Powers, found in good and due form,

HAVE AGREED AS FOLLOWS:

Article 1

Article 5 of the cooperation agreement is hereby replaced by the following:

"The tariff quota concerning the agreed export quantity shall be managed by the Community in accordance with the chronological order of dates of acceptance of declarations for release for free circulation ('first come first served' principle).

For its part, Thailand shall undertake to adopt all necessary provisions to issue certificates of origin to be used for the imports of manioc into the Community.

When necessary, the competent authorities of both parties shall exchange information necessary for monitoring and facilitating the implementation of the Agreement."

Article 2

The Protocol shall form an integral part of the cooperation agreement.

Article 3

This Protocol shall be approved by the European Community and by the Kingdom of Thailand in accordance with their own procedures.

Article 4

This Protocol shall enter into force on 1 January 2008.

Article 5

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

Done at Brussels on

For the European Community

For the Kingdom of Thailand