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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 5.5.2008
COM(2008) 244 final

Proposal for a

COUNCIL DECISION

**amending the proposal for a Council Decision on the signing and conclusion by the
European Community of the International Coffee Agreement 2007**

(presented by the Commission)

EXPLANATORY MEMORANDUM

On 27 March 2008 the Commission adopted the proposal for a decision on the signing and conclusion by the European Community of the International Coffee Agreement 2007. The Commission document carried the reference COM(2008)157 final. It was sent to the Council for adoption.

It should, however, be pointed out that special provisions appear in Article 40(4) of the International Coffee Agreement 2007 concerning the position of the European Community and the deposit of an official declaration confirming its exclusive competence.

As the proposal already approved did not include that declaration of competence, it now needs to be amended so that the Council decision can cover the entire signing and conclusion procedure by the European Community.

The purpose of this proposal is therefore to amend the instrument contained in document COM(2008)157 final, submitted in the initial procedure, so that the declaration of competence in accordance with Article 40(4) of the Agreement is annexed and the wording of Article 2 amended accordingly. As Article 1 of the version already approved did not refer to the signing of the International Coffee Agreement, this reference is also added.

As an official ceremony is scheduled in London on 19 May 2008, it would be most appropriate for the Community to be able to sign and deposit the approval instrument, including the declaration of competence, on that date.

It is for this reason that an expedited procedure is requested so that the Council can take its decision before that date.

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THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas:

- (1) Article 40(4) of the International Coffee Agreement 2007 provides for the deposit with the Depositary of a declaration by the European Community confirming its exclusive competence over matters governed by the Agreement.
- (2) The proposal in COM(2008)157 final was for the Council to approve the International Coffee Agreement 2007, but the declaration in question was not annexed.
- (3) The proposal in COM(2008)157 final now needs to be amended to include that declaration and to make some minor changes.
- (4) With the incorporation of the declaration the European Community will be able to complete the procedure for the signing and approval of the International Coffee Agreement 2007 as quickly as possible,

HAS DECIDED AS FOLLOWS:

Article 1

Article 1 of the proposal in document COM(2008)157 final is amended as follows:

"The International Coffee Agreement 2007 is hereby signed and approved on behalf of the European Community. The text of the Agreement is attached to this Decision."

Article 2

Article 2 of the proposal in document COM(2008)157 final is amended as follows:

"The President of the Council is authorised to designate before 31 August 2008 the person authorised to sign the Agreement and deposit with the Depositary the instrument of approval on behalf of the Community together with the declaration of competence annexed to this Decision, in accordance with Article 40 of the Agreement."

Done at Brussels,

*For the Council
The President*

ANNEX

DECLARATION OF THE EUROPEAN COMMUNITY IN ACCORDANCE WITH ARTICLE 40(4) OF THE INTERNATIONAL COFFEE AGREEMENT 2007

In accordance with Article 40(4) of the International Coffee Agreement 2007, this declaration indicates the competences transferred to the Community by its Member States in matters governed by the Agreement.

The European Community declares that, in accordance with the Treaty establishing the European Community, the matters governed by the Agreement fall within the exclusive competence of the European Community under the common commercial policy and the Member States will not therefore be ratifying the Agreement.