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COUNCIL DECISION

of 11 August 2004

on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and India pursuant to Article XXVIII of the GATT 1994 relating to the modification of concessions with respect to rice provided for in EC Schedule CXL annexed to the GATT 1994

(2004/617/EC)

(OJ L 279, 28.8.2004, p. 17)

Amended by:

	Official Journal		
	No	page	date
►**M1** Council Decision 2005/476/EC of 21 June 2005	L 170	67	1.7.2005

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(2004/617/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 modify certain concessions for rice. Accordingly, the 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 100620 (husked rice) and substantial supplier interest in products of HS code 100630 (milled rice), Thailand, having a principal supplying interest in products of HS code 100630 (milled rice) and substantial supplier interest in products of HS code 100620 (husked rice) and India and Pakistan, each having a substantial supplier interest in products of HS code 100620 (husked rice).

(4) In order to ensure that the Agreement may be fully applied by 1 September 2004 and pending the amendment of Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice [1], the Commission should be authorised to adopt temporary derogations from that Regulation.

(5) 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 [2].

(6) The Commission has successfully negotiated an Agreement in the form of an Exchange of Letters between the European Community and India. The Agreement should therefore be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an Exchange of Letters between the European Community and India pursuant to Article XXVIII of the GATT 1994 relating to the modification of concessions with respect to

[1] OJ L 270, 21.10.2003, p. 96.
[2] OJ L 184, 17.7.1999, p. 23.

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rice provided for in EC Schedule CXL annexed to the GATT 1994 is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

▼M1

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.

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Article 3

1. The Commission shall be assisted by the Management Committee for Cereals instituted by Article 25 of Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ([1]).

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 set at one month.

3. The Committee shall adopt its Rules of Procedure.

Article 4

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement in order to bind the Community ([2]).

([1]) OJ L 270, 21.10.2003, p. 78.

([2]) The date of entry into force of the Agreement will be published in the *Official Journal of the European Union*.