II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 3 March 2005

concerning the conclusion of an Agreement between the European Community and the Government of the Socialist Republic of Vietnam on market access

(2005/244/EC)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas:

(1) The Commission has negotiated on behalf of the Community a bilateral Agreement on an early implementation of market access commitments relating to Vietnam's WTO accession.

(2) The Agreement was initialled on 3 December 2004.

(3) It is necessary that the Agreement, which will be of a temporary nature and of a *sui generis* design, enter into force as soon as possible if it is to be effective. The conclusion of the Agreement does not affect in any way the division of competences between the Community and its Member States, in accordance with Community law as interpreted by the Court of Justice.

(4) The Agreement should be approved on behalf of the Community,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Community and the Government of the Socialist Republic of Vietnam on market access is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

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

Article 3

The Commission shall, in accordance with the procedure referred to in Article 17 of Council Regulation (EEC) No 3030/93 of 12 October 1993 on common rules for imports of certain textile products from third countries [1], adopt the measure provided for in the first paragraph of Article 5 of the Agreement, consisting of reapplication of textile and clothing quotas in case Vietnam fails to fulfil its obligations under Articles 2, 3 and 4 of the Agreement and paragraph 9 of the Agreement in the form of an Exchange of Letters, initialled on 15 February 2003.

The provisions of this Decision approving the Agreement shall prevail over Regulation (EEC) No 3030/93 to the extent that the same subject matter is concerned.

Done at Brussels, 3 March 2005.

For the Council
The President
F. BILTGEN

[1] OJ L 275, 8.11.1993, p. 1. Regulation as last amended by Regulation (EC) No 2200/2004 (OJ L 374, 22.12.2004, p. 1).