

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(89) 463 final

Brussels, 4 October 1989

Proposal for a
COUNCIL DECISION

on the conclusion of an Agreement in the form of an exchange of letters concerning the temporary extension from 8 August 1989 to 31 December 1989 of the Protocol to the Agreement between the European Economic Community and the Government of the Republic of Guinea on fishing off the coast of Guinea.

(presented by the Commission)

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EXPLANATORY MEMORANDUM

The Protocol to the fisheries Agreement between the Community and the Republic of Guinea, signed on 7 February 1983 and last amended by the Agreement signed on 28 July 1987 and approved by the Council on 19 January 1987, expired on 7 August this year.

Following a ministerial reshuffle in the Government of the Republic of Guinea, negotiations on the renewal of the Protocol currently in force were postponed, at the request of the Guinean authorities, until the last quarter of 1989. To avoid any interruption in the fishing activities of Community vessels from 8 August 1989, and pending the final outcome of the negotiations, the two sides agreed on an exchange of letters extending the present Protocol for an interim period from 8 August 1989 to 31 December 1989.

Under the exchange of letters, which was initialled on 18 July, the maintenance of fishing rights during the interim period will entail the extension on a pro rata basis of the overall amount earmarked in the Community budget to cover financial compensation, grants, the scientific programme and the fees to be paid by shipowners.

**Proposal for a
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on the conclusion of an Agreement in the form of an exchange of letters concerning the temporary extension from 8 August 1989 to 31 December 1989 of the Protocol to the Agreement between the European Economic Community and the Government of the Republic of Guinea on fishing off the coast of Guinea.

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

HAS DECIDED AS FOLLOWS:

Article 1

Having regard to the Treaty
establishing the European Economic
Community,

The Agreement in the form of an
exchange of letters concerning the
temporary extension from 8 August
1989 to 31 December 1989 of the
Protocol to the Agreement between the
European Economic Community and the
Republic of Guinea on fishing off the
coast of Guinea is hereby approved on
behalf of the Community.

Having regard to the Agreement
between the Government of the
Republic of Guinea and the European
Economic Community on fishing off
the coast of Guinea,¹ as amended by
the Agreement signed on 28 July
1987,²

The text of the Agreement is attached
to this Decision.

Having regard to the proposal from
the Commission,

Article 2

Whereas pursuant to the second
paragraph of Article 15 of the
Agreement the Community and the
Republic of Guinea must open
negotiations, to determine the
arrangements which will apply after
the Protocol to the Agreement
expires on 7 August 1989;

The President of the Council is
hereby authorized to designate the
persons empowered to sign the
Agreement in the form of an exchange
of letters in order to bind the
Community.

Whereas on 18 July 1989 the two
sides agreed to extend the said
Protocol for an interim period from
8 August to 31 December 1989 pending
the outcome of the negotiations,

Done at Brussels,

1989

For the Council
The President

1 OJ No L 111, 27.4.1983, p. 1.
2 OJ No L 29, 30.1.1987, p. 9.

DRAFT AGREEMENT

in the form of an exchange of letters concerning the extension of the Protocol to the Agreement between the European Economic Community and the Government of the Republic of Guinea on fishing off the coast of Guinea

A. Letter from the Community

Sir,

Pending the outcome of the negotiations for the amendment of the Protocol establishing fishing rights and financial compensation for the period from 8 August 1986 to 7 August 1989, annexed to the fisheries Agreement between the Government of the Republic of Guinea and the European Economic Community, I have the honour to inform you that, in order to ensure the continuation of the said Protocol, we have agreed on the following interim arrangements:

1. The arrangements which have applied for the last three years will be extended to cover the period from 8 August 1989 to 31 December 1989.
Under the interim arrangements, both the financial compensation paid by the Community and its contribution towards the financing of a Guinean scientific programme will correspond on a *pro rata* basis to those laid down in Articles 2 and 4 of the Protocol currently in force.
The same *pro rata* rule will apply to the arrangements for grants under Article 5 of the Protocol.
2. During the interim period, licences will be granted within the limits set in Article 1 of the Protocol currently in force, subject to the payment of fees or advances corresponding *pro rata* to those specified in section A of Annex I to the Agreement. No licences will be issued in respect of vessels for which the obligations regarding fees have not been complied with before 8 August 1989.

I should be obliged if you would acknowledge receipt of this letter and confirm your agreement with its contents.

Please accept, Sir, the assurance of my highest consideration.

On behalf of the Council
of the European Communities

B. Letter from the Government of the Republic of Guinea

Sir,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows:

"Pending the outcome of the negotiations for the amendment of the Protocol establishing fishing rights and financial compensation for the period from 8 August 1986 to 7 August 1989, annexed to the fisheries Agreement between the Government of the Republic of Guinea and the European Economic Community, I have the honour to inform you that, in order to ensure the continuation of the said Protocol, we have agreed on the following interim arrangements:

1. The arrangements which have applied for the last three years will be extended to cover the period from 8 August 1989 to 31 December 1989.
Under the interim arrangements, both the financial compensation paid by the Community and its contribution towards the financing of a Guinean scientific programme will correspond on a *pro rata* basis to those laid down in Articles 2 and 4 of the Protocol currently in force.
The same *pro rata* rule will apply to the arrangements for grants under Article 5 of the Protocol.
2. During the interim period, licences will be granted within the limits set in Article 1 of the Protocol currently in force, subject to the payment of fees or advances corresponding *pro rata* to those specified in section A of Annex I to the Agreement. No licences will be issued in respect of vessels for which the obligations regarding fees have not been complied with before 8 August 1989.

I should be obliged if you would acknowledge receipt of this letter and confirm your agreement with its contents."

I have the honour to confirm that the contents of your letter are acceptable to the Government of the Republic of Guinea and that your letter and the present letter constitute an agreement in accordance with your proposal.

Please accept, Sir, the assurance of my highest consideration.

For the Government of
the Republic of Guinea

FINANCIAL STATEMENT

Date:

1. BUDGET HEADING: 420
2. TITLE: EEC-Republic of Guinea fisheries Agreement
3. LEGAL BASIS: Protocol to the EEC-Republic of Guinea fisheries Agreement covering the period from 8 August 1989 to 31 December 1989.
4. AIMS:
 - Financial compensation - fishing rights) for the period
 - Financing of a Guinean scientific programme) from 8 August to
 - Awarding of EEC study and training grants) 31 December 1989

5. FINANCIAL IMPLICATIONS	PERIOD OF 12 MONTHS	CURRENT FINANCIAL YEAR ()	FOLLOWING FINANCIAL YEAR ()
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5.0 EXPENDITURE

- CHARGED TO THE EC BUDGET (REFUNDS/ INTERVENTIONS) 8 August - 31 Dec. 1989 - 146 days ECU 1 232 917
- NATIONAL AUTHORITIES
- OTHER

5.1 REVENUE

- OWN RESOURCES OF THE EC (LEVIES/CUSTOMS DUTIES)
- NATIONAL

1988

1989

5.0.1 ESTIMATED EXPENDITURE

5.1.1 ESTIMATED REVENUE

5.2 METHOD OF CALCULATION:

Financial compensation - annual cost = ECU 2 867 000
 ECU 2 867 000 x 146 = ECU 1 146 667
 365

Financing of a Guinean scientific programme - ECU 350 000
 annual cost = ECU 116 667 x 146 = ECU 46 667
 365

Study and training grants = 9 three-year grants = (324 months + 3 + 365) x 146 = ECU 32 250

Convertible grants = (ECU 55 000 + 3 + 365) x 146 = ECU 7 333

TOTAL ECU 1 232 917

- 6.0 CAN THE PROJECT BE FINANCED FROM APPROPRIATIONS ENTERED IN THE RELEVANT CHAPTER OF THE CURRENT BUDGET? YES
- 6.1 CAN THE PROJECT BE FINANCED BY TRANSFER BETWEEN CHAPTERS OF THE CURRENT BUDGET? YES
- 6.2 WILL A SUPPLEMENTARY BUDGET BE NECESSARY? NO
- 6.3 WILL FUTURE BUDGET APPROPRIATIONS BE NECESSARY? NOT APPLICABLE

COMMENTS:

COMPETITIVENESS AND EMPLOYMENT IMPACT STATEMENT

The object of this measure is to maintain fishing possibilities for Community fishermen. It will involve undertakings in certain obligations (e.g. the payment of licence fees) but these will be clearly outweighed by the benefit of increased employment which will result.

RAPPORT DE L'IMPACT SUR LA COMPETITIVITE ET L'EMPLOI

L'objet de cette mesure est le maintien des possibilités de pêche pour les pêcheurs de la Communauté.

Cela implique l'engagement dans certaines obligations (entre autres paiement des redevances de licences) mais celles-ci seront nettement dépassées par le bénéfice de l'augmentation de l'emploi.

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DOCUMENTS

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