



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 28.1.2002
COM(2002) 40 final

Proposal for a

COUNCIL DECISION

on the signing, on behalf of the European Community, and provisional application of the Agreement in the form of an Exchange of Letters concerning the extension of the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Government of the Revolutionary People's Republic of Guinea on fishing off the Guinean coast for the period 1 January 2002 to 31 December 2002

(presented by the Commission)

EXPLANATORY MEMORANDUM

The Protocol to the Fisheries Agreement between the European Community and the Revolutionary People's Republic of Guinea is due to expire on 31 December 2001. Pending the negotiations on the amendments to be made to the Protocol to the Fisheries Agreement, the two parties have decided to extend the expired Protocol for a further year. This extension of the Protocol, in the form of an Exchange of Letters, was initialled by both parties on 22 October 2001 and sets out the technical and financial conditions governing the fishing activities of Community vessels off the Guinean coast during the period 1 January to 31 December 2002.

The Commission proposes, on this basis, that the Council adopt by Decision the provisional application of the Agreement in the form of an Exchange of Letters pending its definitive entry into force.

A proposal for a Council Regulation on the conclusion of the Agreement in the form of an Exchange of Letters on the extension of the Protocol is the subject of a separate procedure.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 300(2) thereof,

Having regard to the proposal from the Commission¹,

Whereas:

- (1) The European Community and the Republic of Guinea have held negotiations to determine the amendments or additions to be made to the Agreement between the European Economic Community and the Government of the Revolutionary People's Republic of Guinea on fishing off the Guinean coast² at the end of the period of application of the Protocol thereto.
- (2) During the negotiations, the two parties have decided to extend the current Protocol³ for one year by means of an Agreement in the form of an Exchange of Letters initialled on 22 October 2001, pending the conclusion of the negotiations on the amendments to be made to the Protocol.
- (3) Under this Exchange of Letters, Community fishermen have fishing opportunities in the waters under the sovereignty or jurisdiction of the Republic of Guinea for the period 1 January to 31 December 2002.
- (4) The extension must be applied at the earliest opportunity if fishing activities by Community vessels are not to be interrupted. The Agreement in the form of an Exchange of Letters should be signed, pending a definitive decision under Article 37 of the Treaty.
- (5) The method of allocating the fishing opportunities for trawlers and tuna boats among the Member States under the expired Protocol should be confirmed,

¹ OJ C ..., ..., p. ...

² OJ L 111, 27.4.1983, p. 1.

³ The current Protocol was approved by Council Regulation (EC) No 445/2001 of 26 February 2001 (OJ L 64, 6.3.2001). For the text of the Protocol, see OJ L 250, 5.10.2000.

HAS DECIDED AS FOLLOWS:

Article 1

The signature of the Agreement in the form of an Exchange of Letters concerning the extension of the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Government of the Revolutionary People's Republic of Guinea on fishing off the Guinean coast for the period 1 January to 31 December 2002 is hereby approved on behalf of the Community, pending the Council Decision on conclusion of the Agreement.

The text of the Agreement is attached to this Decision.

Article 2

The Agreement referred to in Article 1 shall apply provisionally in the European Community with effect from 1 January 2002 .

Article 3

The fishing opportunities for trawlers and tuna boats fixed in Article 1 of the Protocol shall be allocated among the Member States as follows:

(a) fin-fish/cephalopods:	Spain	844 GRT
	Italy	750 GRT
	Greece	906 GRT
(b) shrimps	Spain	1 050 GRT
	Portugal	300 GRT
	Greece	150 GRT
(c) tuna seiners	France	19 vessels
	Spain	19 vessels
(d) pole-and-line tuna vessels:	France	7 vessels
	Spain	7 vessels
(e) surface longliners	Spain	14 vessels
	Portugal	2 vessels

If licence applications from these Member States do not cover all the fishing opportunities fixed by the Protocol, the Commission may take into consideration licence applications from any other Member State.

Article 4

The President of the Council is hereby authorised to designate the persons empowered to sign the Agreement in the form of an Exchange of Letters in order to bind the Community, subject to its conclusion.

Done at

For the Council
The President

AGREEMENT

in the form of an Exchange of Letters concerning the extension of the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Government of the Revolutionary People's Republic of Guinea on fishing off the Guinean coast for the period 1 January to 31 December 2002

A. Letter from the Community

Sirs,

I have the honour to confirm that we agree to the following interim arrangements for the extension of the Protocol currently in force (1 January 2000 to 31 December 2001) setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Government of the Revolutionary People's Republic of Guinea on fishing off the Guinean coast, pending the negotiations on the amendments to be made to the Protocol to the Fisheries Agreement:

1. The arrangements applicable over the last two years will be extended for the period from 1 January to 31 December 2002. The Community's financial contribution under the interim arrangements will correspond to the yearly amount provided for in Article 2 of the Protocol currently in force. Payment will be made no later than 30 June 2002. Payment of the financial contribution provided for in Article 6 and the terms relating thereto will also apply.
2. During the interim period, fishing licences will be granted within the limits set in Article 1 of the Protocol currently in force, by means of fees or advances corresponding to those set in point 1 of the Annex to the Protocol. The fees applicable to trawlers will be those for the second year.

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

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

On behalf of the Council of the European Union

B. Letter from the Government of the Republic of Guinea

Sirs,

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

"I have the honour to confirm that we agree to the following interim arrangements for the extension of the Protocol currently in force (1 January 2000 to 31 December 2001) setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Government of the Revolutionary People's Republic of Guinea on fishing off the Guinean coast, pending the negotiations on the amendments to be made to the Protocol to the Fisheries Agreement:

1. The arrangements applicable over the last two years will be extended for the period from 1 January to 31 December 2002. The Community's financial contribution under the interim arrangements will correspond to yearly amount provided for in Article 2 of the Protocol currently in force. Payment will be made no later than 30 June 2002. Payment of the financial contribution provided for in Article 6 and the terms relating thereto will also apply.
2. During the interim period, fishing licences will be granted within the limits set in Article 1 of the Protocol currently in force, by means of fees or advances corresponding to those set in point 1 of the Annex to the Protocol. The fees applicable to trawlers will be those for the second year.

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

I have the honour to confirm that the above is acceptable to the Government of the Republic of Guinea and that your letter and this letter constitute an agreement in accordance with your proposal.

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

For the Government of the Republic of Guinea