

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 22 November 2004

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 provisional application of the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Islamic Federal Republic of The Comoros on fishing off The Comoros for the period from 28 February 2004 to 31 December 2004

(2005/76/EC)

THE COUNCIL OF THE EUROPEAN UNION,

December 2004 in waters over which The Comoros has sovereignty or jurisdiction.

Having regard to the Treaty establishing the European Community, and in particular Article 37 in conjunction with Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) Under the terms of the Agreement between the European Economic Community and the Islamic Federal Republic of The Comoros on fishing off The Comoros⁽¹⁾, the Contracting Parties are to enter into negotiations, before the period of validity of the Protocol to the Agreement expires, to determine by mutual agreement the contents of the Protocol for the period that follows and, where applicable, the amendments or additions to be made to the Annex thereto.

(2) The two Contracting Parties have decided that, pending negotiations on amendments to the Protocol, the period of validity of the current Protocol approved by Regulation (EC) No 1439/2001⁽²⁾ should be extended from 28 February 2004 to 31 December 2004 by means of an agreement in the form of an Exchange of Letters.

(3) The exchange of letters provides Community fishermen with fishing opportunities from 28 February 2004 to 31

(4) To avoid any interruption in the fishing activities of Community vessels it is essential that the extension should enter into force as soon as possible. The Agreement in the form of an Exchange of Letters should therefore be signed, subject to its definitive conclusion by the Council.

(5) The method of allocating the fishing opportunities among Member States on the basis of the extended Protocol should be confirmed,

HAS DECIDED AS FOLLOWS:

Article 1

The signing 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 Islamic Federal Republic of The Comoros on fishing off The Comoros for the period from 28 February 2004 to 31 December 2004 is hereby approved on behalf of the Community, subject to the Council Decision concerning the conclusion of the said Agreement in the form of an Exchange of Letters.

The text of the Agreement in the form of an Exchange of Letters is attached to this Decision.

⁽¹⁾ OJ L 137, 2.6.1988, p. 19.

⁽²⁾ OJ L 193, 17.7.2001, p. 1.

Article 2

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 on behalf of the Community subject to its conclusion.

Article 3

The Agreement in the form of an Exchange of Letters shall be provisionally applied by the Community from 28 February 2004.

Article 4

The fishing opportunities set out in Article 1 of the Protocol shall be allocated among the Member States as follows:

(a) tuna seiners:

Spain: 18 vessels
France: 21 vessels
Italy: 1 vessel;

(b) surface longliners:

Spain: 20 vessels
Portugal: 5 vessels.

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

Article 5

The Member States whose vessels fish under this Agreement shall be required to notify the Commission of the quantities of each stock caught in the Comorian fishing zone in accordance with Commission Regulation (EC) No 500/2001⁽¹⁾ of 14 March 2001 laying down detailed rules for the application of Council Regulation (EEC) No 2847/93 on the monitoring of catches taken by Community fishing vessels in third country waters and on the high seas.

Done at Brussels, 22 November 2004.

For the Council

The President

C. VEERMAN

⁽¹⁾ OJ L 73, 15.3.2001, p. 8.