

COUNCIL DECISION

of 22 December 1986

on the conclusion of an Agreement in the form of an exchange of letters concerning the provisional application of the Protocol establishing the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal for the period 1 October 1986 to 28 February 1988

(86/658/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Articles 155 (2) and 167 (3) thereof,

Having regard to the proposal from the Commission,

Whereas, pursuant to the second paragraph of Article 17 of the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal ⁽¹⁾, as amended by the Agreement signed on 21 January 1982 ⁽²⁾, and by the Agreement signed on 20 November 1985 ⁽³⁾, extended for two interim periods from 16 January 1986 to 30 April ⁽⁴⁾ and from 1 to 31 May 1986 ⁽⁵⁾, both parties have conducted negotiations to determine the amendments or additions to be made to the said Agreement at the end of the period of application of the Protocol;

Whereas, as a result of these negotiations, a Protocol laying down the fishing rights and the financial compensation provided for in the abovementioned Agreement for the period from 1 October 1986 to 28 February 1988 was initialled on 1 October 1986;

Whereas under that Protocol the fishermen of the enlarged Community maintain their fishing possibilities in the waters under the sovereignty or jurisdiction of Senegal;

Whereas, under the terms of Article 155 (2) (b) of the Act of Accession, it is for the Council to determine the procedures appropriate to take into consideration all or part of the interests of the Canary Islands when it adopts decisions, case by case, particularly with a view to the conclusion of fisheries agreements with third countries; whereas in the case in point, the procedure in question should be determined;

Whereas, in order for Community vessels to resume fishing, following the halt in their activities since 31 May 1986, it is essential for the Protocol to be approved as soon as possible; for that reason, the two sides have initialled an exchange of letters providing for the application of the initialled Protocol on a provisional basis from 1 October 1986; whereas this agreement should be approved pending a final decision under Article 43 of the Treaty,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an exchange of letters concerning the provisional application of the Protocol establishing the fishing rights and compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal for the period from 1 October 1986 to 28 February 1988, is hereby approved on behalf of the Community.

The text of the Agreement in the form of an exchange of letters and Protocol is attached to this Decision.

Article 2

With a view to taking into consideration the interests of the Canary Islands, the Protocol referred to in Article 1 and in so far as is necessary for its application, the provisions of the common fisheries policy relating to the conservation and management of fishery resources shall also apply to vessels which sail under the flag of Spain, which are recorded on a permanent basis in the registers of the competent authorities at local level ('registros de base') in the Canary Islands, under the conditions defined in Note 6 to Annex I to Council Regulation (EEC) No 570/86 of 24 February 1986 concerning the definition of the concept of 'originating products' and methods of administrative cooperation in trade between the customs territory of the Community, Ceuta and Melilla and the Canary Islands ⁽⁶⁾.

⁽¹⁾ OJ No L 226, 29. 8. 1980, p. 17.

⁽²⁾ OJ No L 234, 9. 8. 1982, p. 9.

⁽³⁾ OJ No L 361, 31. 12. 1985, p. 87.

⁽⁴⁾ OJ No L 75, 20. 3. 1986, p. 53.

⁽⁵⁾ OJ No L 168, 25. 6. 1986, p. 22.

⁽⁶⁾ OJ No L 56, 1. 3. 1986, p. 1.

Article 3

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.

Done at Brussels, 22 December 1986.

For the Council
The President
G. SHAW
