

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(89) 619 final

Brussels, 12 December 1989

Proposal for a
COUNCIL DECISION

on the conclusion of the Agreement in the form of an exchange of letters concerning the provisional application of the Protocol establishing, for the period from 1 January 1990 to 31 December 1991, the fishing opportunities and the financial contribution provided for in the Agreement between the European Economic Community and the Government of the People's Republic of Mozambique on fisheries relations

Proposal for a
COUNCIL REGULATION (EEC)

relating to the conclusion of the Protocol establishing, for the period from 1 January 1990 to 31 December 1991, the fishing opportunities and the financial contribution provided for in the Agreement between the European Economic Community and the People's Republic of Mozambique on fisheries relations

(presented by the Commission)

EXPLANATORY MEMORANDUM

Com 619

The Protocol to the Fisheries Agreement between the European Economic Community and the Government of the People's Republic of Mozambique, signed on 30 September 1988, expires on 31 December 1989.

In accordance with Article 15 of the Agreement, the contracting parties held negotiations in Maputo from 11 to 13 September 1989 with a view to revising the said Protocol. A new Protocol establishing the fishing opportunities and financial contribution for the period from 1 January 1990 to 31 December 1991, was initialled on 13 September. In order to avoid any interruption of fishing activities by Community vessels, an exchange of letters on the provisional application of this new Protocol from 1 January 1990 was also initialled.

The Protocol provides for the following fishing opportunities for a period of two years between 1 January 1990 and 31 December 1991 :

- ocean going tuna seiners : licences for 44 vessels
- deep water shrimp trawlers : 1,100 GRT per month on a yearly average
- deep-water and shallow-water shrimp trawlers : 3,700 GRT per month on a yearly average.

In the case of shrimp trawlers, these opportunities are the same as those provided for under the original Protocol, but in the case of tuna vessels the number of licences has been increased from 40 to 44.

The Protocol also provides for two Community trawlers to undertake a reconnaissance campaign, with the cooperation of Mozambican and Community scientists, in order to find new resources in Mozambique's waters. In the light of the results of this campaign it will be open to the Community to apply for licences for additional trawlers to fish in Mozambique's waters

In order to protect limited stocks, a ceiling of 1,200 tonnes for deep-water shrimp, 1,000 tonnes for shallow-water shrimp and 200 tonnes for deep-water crab has been laid down in the Protocol. This quota will be reviewed for the second year of application of the new Protocol.

The Community will pay a basic 2,150,000 ECU/year in financial compensation. If more than 6,000 tonnes of tuna is fished during the application period of the Protocol, the financial compensation will be increased by 50 ECU for each additional tonne of tuna caught.

The Community will also finance the proposed reconnaissance campaign up to a maximum of 600,000 ECU for the duration of the Protocol.

In addition, there will be a financial contribution from shipowners, based on catch in the case of tuna vessels (20 ECU/tonne caught) and a flat rate in the case of shrimp trawlers (151 ECU/GRT for deep-water shrimp trawlers and 266 ECU/GRT for shallow and deep-water trawlers).

In addition to the amounts mentioned above, the Community will contribute 950,000 ECU over two years to finance Mozambican scientific and technical programmes in the fisheries sector.

In light of the above, the Commission proposes that the Council should, as soon as possible :

1. accept the attached Decision on the conclusion of the Agreement in the form of an exchange of letters concerning the provisional application of the Protocol establishing, for the period from 1 January 1990 to 31 December 1991, the fishing opportunities and the financial contribution provided for in the Agreement between the European Economic Community and the Government of the People's Republic of Mozambique on fisheries relations; and
2. accept the attached Regulation relating to the conclusion of the Protocol defining for the period, from 1 January 1990 to 31 December 1991, the fishing opportunities and the financial contribution provided for in the Agreement between the European Economic Community and the Government of the People's Republic of Mozambique on fisheries relations.

COUNCIL DECISION

on the conclusion of the Agreement in the form of an exchange of letters concerning the provisional application of the Protocol establishing, for the period from 1 January 1990 to 31 December 1991, the fishing opportunities and the financial contribution provided for in the Agreement between the European Economic Community and the Government of the People's Republic of Mozambique on fisheries relations.

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Agreement between the European Economic Community and the Government of the People's Republic of Mozambique in fisheries relations(1), signed in Maputo on 30 September 1988;

Having regard to the proposal from the Commission(2)

Whereas the Community and the People's Republic of Mozambique held negotiations with a view to determining amendments or additions to be made to the Protocol to the Agreement on fisheries relations at the end of the period of application of the first Protocol;

Whereas as a result of these negotiations a new Protocol was initialled on 13 September 1989;

Whereas under this Protocol Community fishermen will enjoy fishing opportunities in the waters falling within the sovereignty or jurisdiction of the People's Republic of Mozambique for the period from 1 January 1990 to 31 December 1991;

(1) OJ n° L 98, 10.4.87, P. 12

(2)

Whereas, in order to avoid interruption of fishing activities by Community vessels both parties initialled an Agreement in the form of an exchange of letters providing for the provisional application of the initialled Protocol from the day following the date of expiry of the Protocol previously in force; whereas the Agreement in the form of an exchange of letters should be concluded pending a definitive decision under Article 43 of the Treaty and the subsequent entry into force of the Protocol;

HAS DECIDED AS FOLLOWS :

Article 1

The Agreement in the form of an exchange of letters concerning the provisional application of the Protocol defining, for the period from 1 January 1990 to 31 December 1991, the fishing opportunities and the financial contribution provided for in the Agreement between the European Economic Community and the Government of the People's Republic of Mozambique on fisheries relations 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 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, 1989

For the Council

The President

Proposal for a
COUNCIL REGULATION (EEC)

relating to the conclusion of the Protocol establishing, for the period from 1 January 1990 to 31 December 1991, the fishing opportunities and the financial contribution provided for in the Agreement between the European Economic Community and the Government of the People's Republic of Mozambique on fisheries relations.

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission (1),

Having regard to the opinion of the European Parliament(2),

Whereas, in accordance with the Agreement between the European Economic Community and the Government of the People's Republic of Mozambique on fisheries relations, signed in Maputo on 30 September 1988, the contracting parties held negotiations with a view to determining amendments or additions to be made to the Protocol to the Agreement at the end of the period of application of the first Protocol;

Whereas as a result of these negotiations a new Protocol establishing, for the period from 1 January 1990 to 31 December 1991, the fishing opportunities and the financial contribution provided for by the Agreement was initialled on 13 September 1989;

Whereas it is in the Community's interest to approve this Protocol,

HAS ADOPTED THIS REGULATION :

(1) OJ n° L.....,

(2) OJ n° L.....,

The Protocol establishing, for the period from 1 January 1990 to 31 December 1991, the fishing opportunities and the financial contribution provided for in the Agreement between the European Economic Community and the Government of the People's Republic of Mozambique on fisheries relations is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Regulation.

Article 2

The President of the Council is hereby authorized to designate the persons empowered to sign the Protocol in order to bind the Community.

Article 3

This Regulation shall enter into force on the third day following that of its publication in the Official Journal of the European Communities.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 1989

For the Council

The President

PROTOCOL

establishing, for the period from 1 January 1990 to 31 December 1991, the fishing opportunities and the financial contribution provided for in the Agreement between the European Economic Community and the Government of the People's Republic of Mozambique on fisheries relations

THE CONTRACTING PARTIES,

Having regard to the Agreement between the European Economic Community and the Government of the People's Republic of Mozambique on fisheries relations, signed on 30 September 1988,

HAVE AGREED AS FOLLOWS :

Article 1

Pursuant to Article 2 of the Agreement, and for a period of two years beginning on 1st January 1990, the following fishing possibilities shall be accorded :

1. Shrimp vessels fishing exclusively on deep-water crustacea :
1100 GRT per month on a yearly average
2. Shrimp vessels fishing on shallow-water and deep-water crustacea :
3700 GRT per month on a yearly average

The quantities of crustacea to be fished by Community vessels in 1990 may not exceed : 1200 tonnes of deep-water shrimps
1000 tonnes of shallow-water shrimps and
200 tonnes of deep-water crabs

These quantitative limits will be reviewed, for the following year by the Joint Committee referred to in Article 10 of the Agreement. Shrimp tails weight retained on board are converted into whole weight by applying the co-efficient 1.67.

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3. Ocean-going tuna seiners : licences for 44 vessels

Article 2

1. The financial compensation referred to in Article 8 of the Agreement for the period referred to in Article 1 of this Protocol, is fixed at 4.300.000 ECU, payable in two annual instalments.
2. If during the period of application of this Protocol the amount of tuna caught by Community vessels in Mozambican waters exceeds 6000 tonnes, the financial compensation will be increased by 50 ECU per tonne caught above this limit.
3. The use to which this compensation is put shall be the competence solely of Mozambique.
4. The compensation shall be paid into an account opened at a financial institution or any other body designated by Mozambique.

Article 3

In the event of an increase in the availability of fishing possibilities the GRT limits set out in Articles 1(1) and 1(2) may be increased at the request of the Community. In this case, the financial compensation referred to in Article 2 shall be increased proportionally prorata temporis.

Article 4

1. The Community shall also contribute, during the period referred to in Article 1, 950.000 ECU towards the financing of Mozambican scientific and technical programmes (e.g. equipment and infrastructure) to improve information on the fishery resources within the waters of Mozambique.

HL

SP

At the request of Mozambique, part of this amount not exceeding 60.000 ECU may be used to finance the expenses of participation in international conferences, not necessarily related to the said scientific programme, destined to improve the knowledge of fisheries resources.

2. The competent Mozambican authorities shall send to the Commission a brief report on the utilization of the funds.

3. The Community's contribution to the scientific and technical programmes shall be paid into an account specified on each occasion by the Office of the Secretary of State for Fisheries.

Article 5

1. A reconnaissance campaign to find new resources shall be carried out by 2 Community trawlers together with research institutes in Mozambique and in the Member States of the Community.

2. The Community shall contribute ECU 600.000 over the duration of the Protocol to finance the campaign. This contribution may be used to cover shipowner's economic losses and the emoluments of Mozambican and Community scientists. Catches by the vessels concerned shall be the property of the shipowners.

3. The results of the campaign must be sent to the Mozambican authorities and the Commission delegation to Mozambique. In the light of these results, licences for the new resources may be granted to Community vessels to fish in Mozambique's waters under conditions to be defined at a meeting of the Joint Committee referred to by article 10 of the Agreement.

Article 6

Should the Community fail to make the payments provided for in this Protocol, the Agreement on fishing may be suspended.

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SMS

Article 7

The Protocol to the Agreement between the European Economic Community and the Government of the People's Republic of Mozambique on fisheries relations is hereby repealed and replaced by this Protocol.

Article 8

This Protocol shall enter into force on the date of its signature.
It shall be applicable from 1 January 1990.



AGREEMENT

in the form of an exchange of letters concerning the provisional application of the Protocol establishing, for a 2 year period starting 1st January 1990, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Government of the People's Republic of Mozambique on fishing off the coast of Mozambique.

A. Letter from the Government of the People's Republic of Mozambique

Sir,

With reference to the draft Protocol, initialled in Maputo on 13 September 1989, establishing the fishing opportunities and the financial contribution for the 2 year period starting 1st January 1990, I have the honour to inform you that the Government of the People's Republic of Mozambique is ready to apply this Protocol on a provisional basis, with effect from 1st January 1990, pending its entry into force in accordance with Article 8 of the Protocol, provided that the European Economic Community is prepared to do the same.

This is on the understanding that a first instalment equal to one half of the financial compensation specified in the Article 2 of the Protocol is to be paid by 31st March 1990.

I should be obliged if you would confirm the European Economic Community's agreement to such provisional application.

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



For the Governmet of
the People's Republic of Mozambique



B. Letter from the European Economic Community

Sir,

I am in receipt of your letter of today's date, which reads as follows :

"With reference to the draft Protocol, initialled in Maputo on 13 September 1989, establishing the fishing opportunities and the financial contribution for the 2 year period starting 1 January 1990, I have the honour to inform you that the Government of the People's Republic of Mozambique is ready to apply this Protocol on a provisional basis, with effect from 1st January 1990, pending its entry into force in accordance with Article 6 of the Protocol, provided that the European Economic Community is prepared to do the same.

This is on the understanding that a first instalment equal to one half of the financial compensation specified in the Article 2 of the Protocol is to be paid by 31st March 1990.

I should be obliged if you would confirm the European Economic Community's agreement to such provisional application."

I have the honour to confirm the European Economic Community's agreement to this provisional application of the Agreement.

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

HE

For the European
Economic Community

SMS

F I C H E F I N A N C I E R E		DATE :	
1. LIGNE BUDGETAIRE CONCERNEE : 420			
2. INTITULE DE L'ACTION : Nouveau protocole financier CEE/Mozambique			
3. BASE JURIDIQUE : Accord CEE/Mozambique concernant les relations de pêche			
4. OBJECTIFS DE L'ACTION : Protocole pour une période de 2 ans : - compensation financière - programme scientifique - campagne de prospection			
5. INCIDENCES FINANCIERES		PENDANT LA	EXERCICE
5.0. DEPENSES		CAMPAGNE	EN COURS ()
- à la charge du budget de la CE (Restitutions/Interventions)			2,925,000 ECU
- à la charge administr. nationales			2,925,000 ECU
- à la charge d'autres secteurs nationaux			
5.1. RECETTES			
- Ressources propres CE (Prélèvements/Droits de douane)			
- sur le plan national			
5.0.1. ECHEANCIER PLURIANNEL DEPENSES		ANNEE 1989 2.925.000	ANNEE 1990 2.925.000
5.2. MODE DE CALCUL			
- Compensation financière			2.150.000 ECU
- Programme scientifique			475.000 ECU
- Campagne de prospection			300.000 ECU
- Contrepartie financière			2.925.000 ECU
6.0. FINANCEMENT POSSIBLE PAR CREDITS INSCRITS AU CHAPITRE CONCERNE DANS LE BUDGET EN COURS D'EXECUTION			OUI/ <input checked="" type="checkbox"/>
6.1. FINANCEMENT POSSIBLE PAR VIREMENT ENTRE CHAPITRES DU BUDGET EN COURS D'EXECUTION			<input checked="" type="checkbox"/> /NON
6.2. NECESSITE D'UN BUDGET SUPPLEMENTAIRE			<input checked="" type="checkbox"/> /NON
6.3. CREDITS A INSCRIRE DANS LES BUDGETS FUTURS			OUI/ <input checked="" type="checkbox"/>
OBSERVATIONS :			

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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 de maintenir ces 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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