

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(92) 30 final

Brussels, 5 February 1992

Proposal for a
COUNCIL DECISION

authorizing the Portuguese Republic to extend until 7 March 1993 the agreement on mutual fishery relations with the Republic of South Africa

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. On 9 April 1979, the Portuguese Republic signed an agreement on mutual fisheries relations with the Republic of South Africa which entered into force on the same day for an initial period of ten years, and which it was envisaged should subsequently rest in force for an indeterminate period unless it were to be denounced with twelve months notice. Under this fisheries agreement, annual fisheries licences can be granted to vessels flying the Portuguese flag. This was the case in 1989, 1990 and 1991.

2. Article 354 (2) of the Act of Accession of Spain and Portugal lays down that the rights and obligations for the Portuguese Republic following from fisheries agreements concluded with third countries shall not to be affected during the period for which the provisions of such agreements are provisionally maintained. Under Article 354 (3) of the Action of Accession, the Council, acting by a qualified majority on a proposal from the Commission, is to adopt the decisions appropriate for the continuation of fishing activities resulting from such agreements. This may include prolonging them for periods not exceeding one year.

3. In order to avoid interruption in the fishing activities of the Community vessels concerned, the Decision put forward in this proposal authorises Portugal to extend the fisheries agreement referred to above until 7 March 1993.

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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 Article 354 (3) thereof,

Having regard to the proposal from the Commission,

Whereas the agreement on mutual fishery relations between the Government of the Portuguese Republic and the Government of the Republic of South Africa, signed on 9 April 1979, entered into force on the same day for a initial period of 10 years, and whereas this agreement stays in force for an indeterminate period if it is not denounced with 12 months notice ;

Whereas Article 354 (2) of the Act of Accession lays down that the rights and obligations flowing, for the Portuguese Republic, from fisheries agreements concluded with third countries shall not be affected during the period for which the provisions of such agreements are provisionally maintained ;

Whereas, under Article 354 (3) of the said Act, the Council is to adopt, before the expiry of fisheries agreements concluded by the Portuguese Republic with third countries, the decisions appropriate for the continuation of fishing activities resulting therefrom, including the possibility of prolonging for periods not exceeding one year ;

Whereas, in order to avoid fishing by the Community vessels concerned being interrupted, it appears appropriate to authorize the Republic of Portugal to renew the agreement in question until 7 March 1993 ;

HAS ADOPTED THIS DECISION :

Article 1

The Portuguese Republic is hereby authorized to extend until 7 March 1993 the agreement on mutual fishery relations with the Republic of South Africa which entered into force on 9 April 1979.

Article 2

This Decision is addressed to the Portuguese Republic.

Done at Brussels,

For the Council
The President

ISSN 0254-1475

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DOCUMENTS

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Catalogue number : CB-CO-92-036-EN-C

ISBN 92-77-40592-9

Office for Official Publications of the European Communities
L-2985 Luxembourg