



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 07.05.2003
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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 Mauritius on fishing in Mauritian waters for the period 3 December 2002 to 2 December 2003

(presented by the Commission)

EXPLANATORY MEMORANDUM

The Protocol to the Fisheries Agreement between the European Economic Community and the Government of Mauritius expired on 2 December 2002. Mauritius was unable to obtain by that date scientific opinions and reports which it was awaiting regarding certain aspects of its fisheries sector. In view of the importance of these reports, Mauritius considered that the negotiations on the amendments to be made to the Protocol to the Fisheries Agreement could not be held until these reports had been obtained.

The two parties accordingly decided to extend for another year, from 3 December 2002 to 2 December 2003, the Protocol which was about to expire. This extension, in the form of an Exchange of Letters, was initialled by the two Parties on 29 November 2002 and sets out the technical and financial conditions governing the fishing activities of Community vessels in Mauritian waters for the period from 3 December 2002 to 2 December 2003.

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 relating to 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 37 in conjunction with Article 300(2) thereof,

Having regard to the proposal from the Commission¹,

Whereas:

- (1) In accordance with Article 12(3) of the Agreement between the European Economic Community and the Government of Mauritius on fishing in Mauritian waters², the Contracting Parties must enter into negotiations, before the end of the period of validity of the Protocol to the Agreement, in order to determine by common agreement the terms of the Protocol for the following period and, where appropriate, any necessary amendments or additions to the Annex.
- (2) Since, in the absence of information which it was awaiting, Mauritius was not ready to begin the negotiations, the two Parties decided to extend the existing Protocol³ approved by Regulation (EC) No 444/2001⁴ for a period of one year by means of an Agreement in the form of an Exchange of Letters initialled on 29 November 2002, 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 Mauritius for the period 3 December 2002 to 2 December 2003.
- (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 therefore be signed, subject to its definitive conclusion by the Council.
- (5) The allocation of the fishing opportunities among the Member States under the expired Protocol should be confirmed,

¹ OJ C [...] [...], p.(...)

² OJ L 159, 10.6.1989, p. 2.

³ OJ L 180, 19.7.2000, p. 30.

⁴ OJ L 64, 6.3.2001, p. 1.

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 Mauritius on fishing in Mauritian waters for the period 3 December 2002 to 2 December 2003 is hereby approved on behalf of the Community, pending the definitive conclusion of the Agreement by the Council.

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 3 December 2002.

Article 3

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

- Tuna seiners: France 20, Spain 20, Italy 2, United Kingdom 1;
- Surface longliners: Spain 19, France 13, , Portugal 8;
- Vessels fishing by line: France 25 grt per month, based on an annual average.

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 Member States whose vessels fish under this Agreement shall notify the Commission of the quantities of each stock caught within the Mauritian fishing zone in accordance with Commission Regulation (EC) No 500/2001⁵.

Article 5

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

⁵ OJ L 73, 15.3.2001, p. 8.

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 Mauritius on fishing in Mauritian waters for the period 3 December 2002 to 2 December 2003

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 (3 December 1999 to 2 December 2002) setting out the fishing opportunities and financial contribution provided for in the Fisheries Agreement between the European Economic Community and the Government of Mauritius, pending the negotiations on the amendments to be made to the Protocol to the Fisheries Agreement:

1. The arrangements applicable over the last three years will be extended for the period from 3 December 2002 to 2 December 2003.

The Community's financial contribution under the interim arrangements will correspond to the yearly amount provided for in Article 2 and, *pro rata temporis*, to the annual amount provided for in Article 3 to the Protocol currently in force. This financial contribution will be paid by 1 June 2003 at the latest. The conditions governing the payment of the amount provided for in Article 6 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.

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 Mauritius

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 (3 December 1999 to 2 December 2002) setting out the fishing opportunities and financial contribution provided for in the Fisheries Agreement between the European Economic Community and the Government of Mauritius, pending the negotiations on the amendments to be made to the Protocol to the Fisheries Agreement:

1. The arrangements applicable over the last three years will be extended for the period from 3 December 2002 to 2 December 2003.

The Community's financial contribution under the interim arrangements will correspond to the yearly amount provided for in Article 2 and, *pro rata temporis*, to the annual amount provided for in Article 3 to the Protocol currently in force. This financial contribution will be paid by 1 June 2003 at the latest. The conditions governing the payment of the amount provided for in Article 6 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."

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

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

Letter from the Government of Mauritius