



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 22.03.2004
COM(2004) 186 final

Proposal for a

COUNCIL DECISION

on the signature on behalf of the European Community and the 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 Republic of Cape Verde on fishing off the coast of Cape Verde for the period 1 July 2004 to 30 June 2005

(presented by the Commission)

EXPLANATORY MEMORANDUM

The Protocol to the Fisheries Agreement between the European Community and the Republic of Cape Verde expires on 30 June 2004.

The two Parties met in Praia on 20 and 21 October 2003 in the framework of the Joint Committee provided for in Article 9 of the Fisheries Agreement between Cape Verde and the European Community.

The Parties decided to extend the Protocol for a period of one year, from 1 July 2004 to 30 June 2005. This extension, in the form of an Exchange of Letters, was initialled by them on 21 October 2003 and sets out the technical and financial conditions governing the fishing activities of Community vessels in Cape Verde waters for the period 1 July 2004 to 30 June 2005.

The Commission proposes, on this basis, that the Council adopt by Decision the provisional application of the 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 on the extension of the Protocol is the subject of a separate procedure.

Proposal for a

COUNCIL DECISION

on the signature on behalf of the European Community and the 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 Republic of Cape Verde on fishing off the coast of Cape Verde for the period 1 July 2004 to 30 June 2005

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission¹,

Whereas:

- (1) Under the Agreement between the European Economic Community and the Republic of Cape Verde on fishing off the coast of Cape Verde², the Contracting Parties are to enter into negotiations, before the end of the period of validity of the Protocol to the Agreement, in order to determine by common accord the terms of the Protocol for the following period and, where appropriate, any necessary amendments or additions to the Annex.
- (2) Pending negotiations on the amendments to be made to the existing Protocol approved by Regulation (EC) No 301/2002³, the two Parties have decided to extend its validity for one year by means of an Agreement in the form of an Exchange of Letters.
- (3) Under this Exchange of Letters, Community fishermen have fishing opportunities in the waters under the sovereignty or jurisdiction of Cape Verde for the period 1 July 2004 to 30 June 2005.
- (4) It is essential that the extension be applied as soon as possible in order to avoid interrupting the fishing activities of Community vessels. The Agreement in the form of an Exchange of Letters should therefore be signed and applied on a provisional basis pending the completion of the procedures required to conclude it.
- (5) The allocation of fishing opportunities among the Member States under the Protocol approaching expiry should be confirmed,

¹ OJ C [...] [...], p. [...]

² OJ L 212, 9.8.1990, p. 1.

³ OJ L 47, 19.2.2002, p. 2.

HAS DECIDED AS FOLLOWS:

Article 1

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 Republic of Cape Verde on fishing off the coast of Cape Verde for the period 1 July 2004 to 30 June 2005 is hereby approved on behalf of the Community, subject to the Council Decision on the conclusion of the Agreement.

The text of the Agreement is attached to this Decision.

Article 2

The Agreement shall be applied provisionally from 1 July 2004.

Article 3

The fishing opportunities provided for in the Protocol shall be allocated among the Member States as follows:

- tuna seiners:	France:	19 vessels
	Spain:	18 vessels
-pole-and-line tuna vessels:	France:	6 vessels
	Spain:	10 vessels
	Portugal:	2 vessels
- surface longliners:	Spain:	52 vessels
	Portugal:	10 vessels
- bottom longliners:	Portugal:	630 GRT per month, averaged over the year, with no more than four vessels fishing simultaneously

If licence applications from these Member States do not cover all the fishing opportunities fixed by the Protocol, the Commission may consider licence applications from any other Member State.

Article 4

Member States whose vessels fish under this Agreement shall notify the Commission of the quantities of each stock caught within the Cape Verde fishing zone in accordance with Commission Regulation (EC) No 500/2001⁴.

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 on behalf of the Community subject to its conclusion.

Done at Brussels,

*For the Council
The President*

⁴ OJ No 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 Republic of Cape Verde on fishing off the coast of Cape Verde for the period 1 July 2004 to 30 June 2005

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 (1 July 2001 to 30 June 2004) setting out the fishing opportunities and financial contribution provided for in the Fisheries Agreement between the European Economic Community and the Government of the Republic of Cape Verde, pending the negotiations on the amendments to be made to the Protocol:

1. The arrangements applicable over the last three years will be renewed from 1 July 2004 until 30 June 2005.

The Community's financial contribution under the interim arrangements will correspond to the annual amount provided for in Article 2 of the Protocol currently in force. The financial compensation will be paid no later than 31 January 2005. Payment for the targeted measures specified in Article 3 of the Protocol will be made once the relevant requirements stipulated in that Article have been met.

2. During this 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 2 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 terms.

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

On behalf of the Council of the European Union

B. Letter from the Government of the Republic of Cape Verde

Sirs,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows:

"Sirs,

I have the honour to confirm that we agree to the following interim arrangements for the extension of the Protocol currently in force (1 July 2001 to 30 June 2004) setting out the fishing opportunities and financial contribution provided for in the Fisheries Agreement between the European Economic Community and the Government of the Republic of Cape Verde, pending the negotiations on the amendments to be made to the Protocol:

1. The arrangements applicable over the last three years will be renewed from 1 July 2004 until 30 June 2005.

The Community's financial contribution under the interim arrangements will correspond to the annual amount provided for in Article 2 of the Protocol currently in force. The financial compensation will be paid no later than 31 January 2005. Payment for the targeted measures specified in Article 3 of the Protocol will be made once the relevant requirements stipulated in that Article have been met.

2. During this 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 2 of the Annex to the Protocol."

I have the honour to confirm that the terms of your letter are acceptable to the Government of the Republic of Cape Verde and that your letter and this one constitute an agreement in accordance with your proposal.

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

For the Government of the Republic of Cape Verde.