



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 05.04.2004
COM(2004) 234 final

Proposal for a

COUNCIL DECISION

authorising the Portuguese Republic to extend until 9 April 2005 the Agreement on mutual fishery relations with the Republic of South Africa

(presented by the Commission)

EXPLANATORY MEMORANDUM

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 licence can be granted to vessels flying the Portuguese flag. This was the case since 1989.

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.

The Decision put forward in this proposal authorises Portugal to extend the fisheries agreement referred to above until 9 April 2005.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European 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 Commission¹,

Whereas:

- (1) 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 that day for an initial period of 10 years; whereas the Agreement remains in force for an indeterminate period if it is not denounced by the giving of 12 months' notice.
- (2) Article 354 (2) of the Act of Accession lays down that the rights and obligations resulting from the fisheries agreements concluded by the Portuguese Republic with third countries shall not be affected during the period for which the provisions of such agreements are provisionally maintained.
- (3) Pursuant to Article 354 (3) of the said Act, the Council is to adopt, before the expiry of the fisheries agreements concluded by the Portuguese Republic with third countries, decisions appropriate for the continuation of fishing activities resulting therefrom, including the possibility of prolonging for periods not exceeding one year; the above-mentioned Agreement has been extended until 9 April 2004².
- (4) It appears appropriate to authorise the Portuguese Republic to renew the Agreement in question until 9 April 2005.

HAS ADOPTED THIS DECISION:

¹ OJ C ..., ..., p. ...

² OJ L 185, 24.07.2003, p. 25.

Article 1

The Portuguese Republic is hereby authorised to extend until 9 April 2005 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*