

Proposal for a Council Decision on the conclusion of the Agreement in the form of an Exchange of Letters on the extension of the Protocol setting out the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Government of the Republic of Angola on fishing off the coast of Angola for the period from 3 May to 2 August 2002

(2002/C 262 E/30)

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(Submitted by the Commission on 9 July 2002)

EXPLANATORY MEMORANDUM

The Protocol to the Fisheries Agreement between the European Community and the Republic of Angola expired on 2 May 2002. Pending the conclusion of the negotiations on the amendments to be made to the Protocol to the Fisheries Agreement, the two parties have decided to extend the expired Protocol for a further three months. The extension of the Protocol was initialled by both parties on 26 April 2002 and sets out the technical and financial conditions governing the fishing activities of Community vessels in Angolan waters during the period from 3 May 2002 to 2 August 2002.

The Commission proposes, on this basis, that the Council adopt the draft extension of the Protocol by decision, pending its definitive entry into force.

A proposal for a Council Regulation on the period of extension of the Protocol is the subject of a separate procedure.

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 Commission,

Whereas:

- (1) The European Community and the Republic of Angola have entered into negotiations to determine any amendments or additions to be made to the Agreement between the European Economic Community and the Government of the Republic of Angola on fishing off the coast of Angola at the end of the period of application of the Protocol annexed thereto.
- (2) During the negotiations, the two Parties decided to extend the current Protocol for three months by means of an Agreement in the form of an Exchange of Letters initialled on 26 April 2002, pending the conclusion of the negotiations on the amendments to be made to the Protocol.
- (3) Under the Exchange of Letters, Community fishermen have fishing opportunities in the waters under the sovereignty or jurisdiction of the Republic of Angola for the period from 3 May 2002 to 2 August 2002.
- (4) To avoid an interruption of the fishing activities of Community vessels, the extension must be applied at the earliest opportunity, provided that there is a definitive decision under Article 37 of the Treaty.

- (5) The allocation of the fishing opportunities among the Member States under the expired Protocol should be confirmed,

HAS DECIDED AS FOLLOWS:

Article 1

The European Community shall sign the Agreement in the form of an Exchange of Letters on the extension of the Protocol setting out the fishing opportunities and the financial compensation provided for by the Agreement between the European Economic Community and the Government of the Republic of Angola on fishing off the coast of Angola for the period from 3 May 2002 to 2 August 2002.

The text of the Agreement is annexed to this Decision.

Article 2

The Agreement referred to in Article 1 shall be provisionally applicable by the European Community from 3 May 2002.

Article 3

The fishing opportunities established *pro rata temporis* by Article 1 shall be allocated among the Member States as follows:

- shrimp vessels:
 - Spain: 6 550 GRT per month, averaged over the year, 22 vessels;

- demersal fishing vessels:
 - Spain: 1 650 GRT per month, averaged over the year,
 - Portugal: 1 000 GRT per month, averaged over the year,
 - Italy: 650 GRT per month, averaged over the year,
 - Greece: 450 GRT per month, averaged over the year,
- freezer tuna seiners:
 - France: 7 vessels
 - Spain: 11 vessels
- surface longliners:
 - Portugal: 5 vessels
 - Spain: 20 vessels
- pelagic fishing vessels:
 - Ireland: 2 vessels.

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 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.

AGREEMENT

in the form of an Exchange of Letters on the extension of the Protocol setting out the fishing opportunities and the financial contribution provided for in the agreement between the European Economic Community and the Government of the Republic of Angola on fishing off the coast of Angola for the period from 3 May 2002 to 2 August 2002

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 Fisheries Agreement between the Government of the Republic of Angola and the European Economic Community, pending the conclusion of the negotiations on a new Protocol:

1. The arrangements applicable over the last two years will be extended for the period from 3 May to 2 August 2002. The Community's financial contribution under the interim arrangements will correspond *pro rata temporis* to that provided for in Article 2 of the Protocol currently in force. Payment will be made no later than 31 December 2002.
2. During the interim period, licences will be issued within the limits laid down in Article 1 of the Protocol currently in force on payment of fees or advances corresponding *pro rata temporis* to those laid down in point 2 of Annex A to the Protocol. The maximum catches laid down for shrimp vessels in Article 1 of the Protocol currently in force will apply *pro rata temporis* during the interim period.

I should be obliged if you would acknowledge receipt of this letter and confirm the agreement of the Government of the Republic of Angola with its contents.

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

On behalf of the European Community

B. Letter from the Government of the Republic of Angola

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 Fisheries Agreement between the Government of the Republic of Angola and the European Economic Community, pending the conclusion of the negotiations on a new Protocol:

1. The arrangements applicable over the last two years will be extended for the period from 3 May to 2 August 2002. The Community's financial contribution under the interim arrangements will correspond *pro rata temporis* to that provided for in Article 2 of the Protocol currently in force. Payment will be made no later than 31 December 2002.
2. During the interim period, licences will be issued within the limits laid down in Article 1 of the Protocol currently in force on payment of fees or advances corresponding *pro rata temporis* to those laid down in point 2 of Annex A to the Protocol. The maximum catches laid down for shrimp vessels in Article 1 of the Protocol currently in force will apply *pro rata temporis* during the interim period.

I should be obliged if you would acknowledge receipt of this letter and confirm the agreement of the Government of the Republic of Angola with its contents.'

I have the honour to confirm that the Government of the Republic of Angola accepts the proposed arrangements and that your letter and this letter constitute an agreement in accordance with your proposal.

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

For the Government of the Republic of Angola
