COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 28.4.2006
COM(2006) 183 final

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 establishing the fishing opportunities and the financial contribution provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau for the period 16 June 2006 to 15 June 2007**

(presented by the Commission)

## EXPLANATORY MEMORANDUM

The Protocol to the Fisheries Agreement between the European Community and the Government of the Republic of Guinea-Bissau expired on 15 June 2006. This proposal for a Council Decision concerns the provisional application of the extension of the Protocol for one more year, until 15 June 2007.

The two parties agreed in December 2005 to extend this Agreement, mainly in order to give the Government of the Republic of Guinea-Bissau time to prepare itself as well as possible for negotiations on a future partnership agreement, taking account of the political context (elections in June 2005 and change of Government in November 2005), and to implement the action programme to support the control and inspection required for the sustainable development of the fisheries sector. This extension should thus enable the new Government to conduct negotiations under reasonable conditions and within reasonable deadlines, without suspending either the Agreement or the annual financial compensation, which is essential for balancing the budget of the State of Guinea-Bissau.

The two parties have agreed to extend the existing Protocol for one year, from 16 June 2006 to 15 June 2007. This extension, in the form of an Exchange of Letters, was initialled by the two parties on 17 January 2006, and sets out the technical and financial conditions governing the fishing activities of EC vessels in the waters of Guinea-Bissau for the period from 16 June 2006 to 15 June 2007.

The Commission proposes, on this basis, that the Council adopt by decision the provisional application of the extension of the agreement, 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.

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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[1],

Whereas:

(1) Under the terms of the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau[2], the contracting parties are to enter into negotiations, before the period of validity of the Protocol to the Agreement expires, to determine by mutual agreement the contents of the Protocol for the period that follows and any amendments or additions requiring to be made to the Annex.

(2) Pending negotiations on changes to be made to the existing Protocol approved by Council Regulation (EC) No 249/2002[3], as amended under the Agreement approved by Council Regulation (EC) No 829/2004[4], 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 enjoy fishing opportunities in the waters falling within the sovereignty or jurisdiction of Guinea-Bissau for the period from 16 June 2006 to 15 June 2007.

(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 expired Protocol should be confirmed,

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1 OJ C […], […], p. […].
2 OJ L 226, 29.8.1980, p. 34.
3 OJ L 47, 19.2.2002, p. 2.
4 OJ L 127, 29.4.2004, p. 25.

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 establishing the fishing opportunities and the financial contribution provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau for the period 16 June 2006 to 15 June 2007 is hereby approved on behalf of the Community, pending the Council decision on conclusion of the Agreement.

The text of the Agreement is attached to this Decision.

*Article 2*

The Agreement shall apply provisionally from 16 June 2006.

*Article 3*

1. The fishing opportunities set out in the Protocol are allocated to Member States as follows:

(a) shrimps:

| | | |
|---|---|---|
| Italy | 1776 | GRT |
| Spain | 1421 | GRT |
| Portugal | 1066 | GRT |
| Greece | 137 | GRT |

(b) fin-fish/cephalopods:

| | | |
|---|---|---|
| Spain | 3143 | GRT |
| Italy | 786 | GRT |
| Greece | 471 | GRT |

(c) tuna seiners:

| | | |
|---|---|---|
| Spain | 20 | vessels |
| France | 19 | vessels |
| Italy | 1 | vessel |

(d) surface longliners and pole-and-line vessels:

| | | |
|---|---|---|
| Spain | 21 | vessels |
| France | 5 | vessels |
| Portugal | 4 | vessels |

2. If licence applications from the Member States referred to in paragraph 1 do not cover all the fishing opportunities fixed by the Protocol, the Commission may consider 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 fishing zone of Guinea Bissau in accordance with Commission Regulation (EC) No 500/2001[5].

*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*

[5] OJ L 73, 15.3.2001, p. 8.

# AGREEMENT

**in the form of an Exchange of Letters concerning the extension of the Protocol establishing the fishing opportunities and the financial contribution provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau for the period 16 June 2006 to 15 June 2007**

A. Letter from the Community

Sir,

I have the honour to confirm that pending negotiations on amendments to be made to the Protocol currently in force (16 June 2001 to 15 June 2006) 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 Guinea-Bissau, as revised from 16 June 2004, we agree to the following interim arrangements:

1. From 16 June 2006 to 15 June 2007 the arrangements applicable since 16 June 2004 will continue in operation.

   The Community's financial contribution under the interim arrangements will correspond to the amount provided for in Article 3 of the revised Protocol currently in force (EUR 7 260 000). That amount is to be treated entirely as financial compensation and will be paid no later than 31 December 2006.

2. During this period, fishing licences will be granted within the limits set in Article 1 of the revised Protocol currently in force, by means of fees or advances corresponding to those fixed 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 terms.

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

On behalf of the Council of the European Union.

B. Letter from the Government of the Republic of Guinea-Bissau

Sir,

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 pending negotiations on amendments to be made to the Protocol currently in force (16 June 2001 to 15 June 2006) 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 Guinea-Bissau, as revised from 16 June 2004, we agree to the following interim arrangements:

1. From 16 June 2006 to 15 June 2007 the arrangements applicable since 16 June 2004 will continue in operation.

   The Community's financial contribution under the interim arrangements will correspond to the amount provided for in Article 3 of the revised Protocol currently in force (EUR 7 260 000). That amount is to be treated entirely as financial compensation and will be paid no later than 31 December 2006.

2. During this period, fishing licences will be granted within the limits set in Article 1 of the revised Protocol currently in force, by means of fees or advances corresponding to those fixed in point 1 of the Annex to the Protocol."

I have the honour to confirm that the contents of your letter are acceptable to the Government of the Republic of Guinea-Bissau and that your letter and this one constitute an agreement in accordance with your proposal.

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

For the Government of the Republic of Guinea-Bissau.