II

(Preparatory Acts)

COMMISSION

Proposal for a Council Regulation (EEC) on the conclusion of the Agreement in the form of an exchange of letters between the European Economic Community, of the one part, and the Government of Canada, of the other part, concerning their relations in the fisheries sector

(93/C 167/08)

COM(93) 214 final

(Submitted by the Commission on 19 May 1993)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas Canada is a major partner of the European Community, with whom sound relations should be maintained in the fisheries sector; whereas a framework should accordingly be established for mutual cooperation with a view to fostering effective conservation and to introducing the exploitation of fishery resources in the north-west Atlantic on a lasting basis and whereas in that connection the two Parties have agreed on the aspects to be covered by their relations in the fisheries sector;

Whereas the Agreement in the form of an exchange of letters between the European Economic Community, of the one part, and the Government of Canada, of the other part, concerning their relations in the fisheries sector should be approved;

Whereas the two Parties intend implementing the specific cooperation measures provided for in the memorandum of understanding appended to the exchange of letters pursuant to the United Nations Convention on the law of the sea to which they are signatories and pursuant to the Convention on future multilateral cooperation in the north-west Atlantic fisheries to which they are Contracting Parties; whereas it should accordingly be made clear that the Commission is authorized to conduct the consultations provided for to that end in accordance with the negotiating directives decided on 15 December 1992;

Whereas the relations between the two Parties in the fisheries sector are based in particular on access to surplus resources in Canadian waters;

Whereas specific provisions should be laid down for terminating cooperation if the Community is unable to maintain it owing to special circumstances;

HAS ADOPTED THIS REGULATION:

Article 1

The Agreement in the form of an exchange of letters between the European Economic Community, of the one part, and the Government of Canada, of the other part, concerning their relations in the fisheries sector is hereby approved in the name of the Community.

The text of the Agreement in the form of an exchange of letters of which the memorandum of understanding forms an integral part is appended hereto.

Article 2

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement in the form of an exchange of letters.

Article 3

The Commission, assisted by a committee comprising representatives of the Member States, shall conduct the consultations between the European Economic Community and the Government of Canada pursuant to points I (d), (e), (g) and (h) and II of the Memorandum of Understanding.

Article 4

(1) In the event of difficulties as provided for in point IV (d) of the Memorandum of Understanding, the Commission shall immediately forward a report accompanied by its opinion to the Council and the Member States to the effect that the conditions for terminating the Agreement are fulfilled. Within 10 days of the forwarding of the opinion to the Council, any Member State may raise the matter in the Council. The Council, acting by a qualified majority, may decide not to terminate the Agreement. Unless a decision not to terminate is taken within one month following the forwarding of the opinion to the Council or unless a

Member State raises the matter in the Council within the abovementioned 10 days, the Agreement shall be terminated by the Commission.

(2) The Commission, in the name of the Community, shall notify the termination of the Agreement in the form of an exchange of letters in accordance with point IV (e) of the Memorandum of Understanding.

Article 5

(1) Where the Government of Canada decides, in accordance with point III (b) of the Memorandum of Understanding, to offer the European Economic Community possibilities of fishing surplus resources in its fishing zone, the Council, acting by a qualified majority on a proposal from the Commission, shall take a decision on allocation between the Member States within two months following receipt thereof.

(2) The owner or operator of a vessel of a Member State which conducts fishing or any other operations under point III (c) of the Memorandum of Understanding shall provide the competent authorities of the Community with any information which may be required pursuant to that point concerning fish or fishery products caught or otherwise obtained. The detailed rules for the application of this paragraph shall be adopted in accordance with the procedure laid down in Article 18 of Regulation (EEC) No 3760/92 (1).

Article 6

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities.*

This Regulation shall be binding in its entirety and directly applicable in all Member States.

(1) OJ No L 389, 31. 12. 1992, p. 1.

AGREEMENT

in the form of an exchange of letters concerning fisheries relations between the European Economic Community and the Government of Canada

Letter from the Government of Canada

Sir,

I have the honour to refer to the negotiations between the delegations of Canada and the European Economic Community held in Brussels from 16 to 17 December 1992 on bilateral fisheries relations. These negotiations resulted, on 17 December 1992, in the initialling of the enclosed Memorandum of Understanding between the Government of Canada and the European Community on fisheries relations which aims at the attainment, in conformity with the provisions of the United Nations Convention on the law of the sea and the 1978 Convention on future multilateral cooperation in the north-west Atlantic fisheries, of effective conservation and sustainable exploitation of north-west Atlantic fisheries resources.

I have the further honour to propose that this letter which is authentic in Danish, Dutch, English, French, German, Greek, Italian, Portuguese and Spanish, and the enclosed Memorandum, if such meets with the approval of the Community, together with your letter in reply indicating such concurrence shall constitute an Agreement on fisheries relations between the Government of Canada and the European Community which shall enter into force on the date of your reply.

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

Enclosure: Memorandum of Understanding

Letter from the European Community

Sir,

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

'I have the honour to refer to the negotiations between the delegations of Canada and the European Economic Community held in Brussels from 16 to 17 December 1992 on