



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 7.10.1999
COM(1999)462 final

Proposal for a

COUNCIL DECISION

on the conclusion of the Agreement in the form of an exchange of letters concerning the provisional application of the Protocol setting out, for the period 1 June 1999 to 31 May 2002, the fishing opportunities and the financial contribution provided for by the Agreement between the European Community and the Government of the Democratic Republic of São Tomé e Príncipe on fishing off the coast of São Tomé e Príncipe

(presented by the Commission)

EXPLANATORY MEMORANDUM

The Protocol to the Fisheries Agreement between the European Community and São Tomé e Príncipe expired on 31 May 1999. A new Protocol fixing the technical and financial conditions governing the fishing activities of Community vessels in the waters of São Tomé e Príncipe during the period 1 June 1999 to 31 May 2002 was initialled by both parties on 31 May 1999 .

The Commission proposes, on this basis, that the Council adopt by Decision, the draft Agreement in the form of an exchange of letters concerning the provisional application of the new Protocol, pending its definitive entry into force.

A proposal for a Council Regulation concerning the conclusion of the new Protocol is subject of a separate procedure.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Agreement between the European Community and the Government of the Democratic Republic of São Tomé e Príncipe on fishing off the coast of São Tomé e Príncipe,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Community and São Tomé have held negotiations with a view to determining amendments or additions to be made to the above-mentioned Agreement at the end of the period of application of the current Protocol annexed to the Agreement;
- (2) As a result of those negotiations, a new Protocol was initialled on 31 May 1999;
- (3) Under this Protocol, Community fishermen may fish in waters under the sovereignty or jurisdiction of São Tomé e Príncipe from 1 June 1999 to 31 May 2002;
- (4) In order to avoid interruption of fishing activities by Community vessels, it is essential that the said Protocol be approved as quickly as possible; both Contracting Parties have therefore initialled an Agreement in the form of an exchange of letters providing for the provisional application of the initialled Protocol from the day following the date of expiry of the Protocol previously in force; the Agreement in the form of an exchange of letters should be approved subject to a definitive decision under Article 37 of the Treaty;
- (5) The method for allocating the fishing opportunities among the Member States should be defined on the basis of the traditional allocation of fishing opportunities under the Fisheries Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an exchange of letters concerning the provisional application of the Protocol setting out, for the period 1 June 1999 to 31 May 2002, the fishing opportunities and the financial contribution provided for by the Agreement between the European Community and the Government of the Democratic Republic of São Tomé e Príncipe on fishing off the coast of São Tomé e Príncipe is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

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

- freezer tuna seiners: France 18, Spain 18;
- pole-and-line tuna vessels: France 7;
- Surface longliners: Spain 28, Portugal 5.

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 3

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.

Done at Brussels,

*For the Council
The President*

ANNEX

AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS CONCERNING THE PROVISIONAL APPLICATION OF THE PROTOCOL SETTING OUT, FOR THE PERIOD 1 JUNE 1999 TO 31 MAY 2002, THE FISHING OPPORTUNITIES AND THE FINANCIAL CONTRIBUTION PROVIDED FOR BY THE AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF SÃO TOMÉ E PRÍNCIPE ON FISHING OFF THE COAST OF SÃO TOMÉ E PRÍNCIPE

A. Letter from the Government of the Democratic Republic of São Tomé e Príncipe

Sir,

With reference to the Protocol initialled on 31 May 1999 setting out fishing opportunities and financial compensation for the period from 1 June 1999 to 31 May 2002, I have the honour to inform you that the Government of the Democratic Republic of São Tomé e Príncipe is prepared to apply the Protocol on a provisional basis with effect from 1 June 1999, pending its entry into force in accordance with Article 7 of the said Protocol, provided the European Community is disposed to do the same.

This is on the understanding that the first instalment of the financial compensation specified in Article 2 of the Protocol is paid by 31 October 1999.

I should be obliged if you would confirm the European Community's agreement to such provisional application.

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

For the Government of the Democratic
Republic of São Tomé e Príncipe

B. Letter from the European Community

Sir,

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

"With reference to the Protocol initialled on 31 May 1999 setting out fishing opportunities and financial compensation for the period from 1 June 1999 to 31 May 2002, I have the honour to inform you that the Government of the Democratic Republic of São Tomé e Príncipe is prepared to apply the Protocol on a provisional basis with effect from 1 June 1999, pending its entry into force in accordance with Article 7 of the said Protocol, provided the European Community is disposed to do the same.

This is on the understanding that the first instalment of the financial compensation specified in Article 2 of the Protocol is paid by 31 October 1999.

I should be obliged if you would confirm the European Community's agreement to such provisional application."

I have the honour to confirm the European Community's agreement to such provisional application.

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

On behalf of the Council of the
European Union