

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(89) 617 final

Brussels, 11 December 1989

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 on the conditions relating to fishing provided for in the Agreement on fisheries between the European Economic Community, on the one hand, and the Government of Denmark and the Home Rule Government of Greenland, on the other hand, for the period from 1 January 1990 to 31 December 1994

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Proposal for a

COUNCIL REGULATION (EEC)

relating to the conclusion of the Protocol laying down the conditions relating to fishing provided for in the Agreement on fisheries between the European Economic Community, on the one hand, and the Government of Denmark and the Home Rule Government of Greenland on the other

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(presented by the Commission)

The Protocol on the conditions relating to fishing implementing the Agreement on fisheries between the European Economic Community, on the one hand, and the Government of Denmark and the local Government of Greenland, on the other, signed on 13 March 1984, will expire on 31 December 1989.

In accordance with Article 14 of the Agreement on fisheries, the Parties have consulted with a view to determining the fishing arrangements for the following period. A new Protocol laying down the conditions relating to fishing was initialled on 30 June last. This Protocol shall apply to fishing activities from 1 January 1990 until 31 December 1994 and satisfies the provisions contained in Article 2 of the Agreement on fisheries that the catch possibilities fixed for the Community in the first implementation Protocol and the way in which stocks develop shall constitute a reference basis for fixing future catch possibilities.

In order to avoid an interruption of fishing activities by Community vessels, an exchange of letters on the provisional application of the new Protocol from 1 January 1990 was also initialled.

In addition to these quantities reserved for the European Economic Community Greenland shall each year contribute certain quantities toward establishing the balance of the reciprocal fishing possibilities laid down between the Community and the Faroe Islands in accordance with their fisheries agreement.

The financial compensation shall, during the period of validity of the Protocol, be fixed at 34,250,000 ECU payable by the Community annually at the beginning of each fishing year.

On this basis, the Commission proposes that the Council should as soon as possible :

1. adopt the attached Decision on the conclusion of the Agreement in the form of an exchange of letters concerning the provisional application of the Protocol laying down the conditions relating to fishing provided for in the Agreement on fisheries between the European Economic Community, on the one hand, and the Government of Denmark and the Home Rule Government of Greenland, on the other hand, for the period from 1 January 1990 to 31 December 1994;
2. adopt the attached Regulation relating to the conclusion of the Protocol on the conditions relating to fishing between the European Economic Community, on the one hand, and the Government of Denmark and the Home Rule Government of Greenland, on the other.

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 on the conditions relating to fishing provided for in the Agreement on fisheries between the European Economic Community, on the one hand, and the Government of Denmark and the Home Rule Government of Greenland, on the other hand, for the period from 1 January 1990 to 31 December 1994

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Agreement on fisheries between the European Economic Community, on the one hand, and the Government of Denmark and the local Government of Greenland, on the other (1), signed in Brussels on 15 March 1984,

Having regard to the proposal from the Commission (2),

Whereas pursuant to Article 14 of the Agreement on fisheries between the European Economic Community on the one hand, and the Government of Denmark and the local Government of Greenland, on the other, the two Parties held negotiations with a view to determining a second implementation Protocol at the end of the period of application of the first Protocol;

Whereas as a result of these negotiations a new Protocol laying down the conditions relating to fishing was initialled on 30 June 1989;

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(1) OJ No L 29, 1.2.1985, p. 11

(2) OJ No L

Whereas, in order to avoid interruption of fishing activities of Community vessels, it is essential that the Protocol be approved as quickly as possible; whereas both 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 Protocols previously in force; whereas the Agreement in the form of an exchange of letters should be concluded, pending a definitive decision under Article 43 of the Treaty,

HAS DECIDED AS FOLLOWS :

Article 1

The Agreement in the form of an exchange of letters concerning the provisional application of the Protocol laying down the conditions relating to fishing provided for in the Agreement on fisheries between the European Economic Community, on the one hand, and the Government of Denmark and the Home Rule Government of Greenland, on the other, for the period from 1 January 1990 to 31 December 1994 is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

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 in order to bind the Community.

Done at Brussels,

1989.

For the Council  
The President

PROPOSAL

for a

COUNCIL REGULATION (EEC) NO

relating to the conclusion of the Protocol laying down the conditions relating to fishing provided for in the Agreement on fisheries between the European Economic Community, on the one hand, and the Government of Denmark and the Home Rule Government of Greenland on the other.

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 (1),

Having regard to the opinion of the European Parliament (2),

Whereas pursuant to Article 14 of the Agreement on fisheries between the European Economic Community, on the one hand, and the Government of Denmark and the local Government of Greenland, on the other (3), the two Parties have held negotiations with a view to determining a second implementation Protocol at the end of the period of application of the first Protocols;

Whereas as a result of these negotiations a new Protocol laying down the conditions relating to fishing was initialled on 30 June 1989;

Whereas it is in the Community's interest to approve this Protocol,

HAS ADOPTED THIS REGULATION :

Article 1

The Protocol laying down the conditions relating to fishing, provided for in the Agreement on fisheries between the European Economic Community, on the one hand, and the Government of Denmark and the Home Rule Government of Greenland, on the other, is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Regulation.

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(1) OJ No L

(2) OJ No C

(3) OJ No L 25, 1.2.1985, p. 11

Article 2

The President of the Council is hereby authorized to designate the persons empowered to sign the Protocol in order to bind the Community.

Article 3

This Regulation shall enter into force on the third day following that of 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.

Done at Brussels, 1989.

For the Council  
The President

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PROTOCOL

laying down the conditions relating to fishing provided for in the Agreement on fisheries between the European Economic Community, on the one hand, and the Government of Denmark and the Home Rule Government of Greenland, on the other

The European Economic Community, on the one hand, and the Government of Denmark and the Home Rule Government of Greenland, on the other,

Having regard to the Agreement on fisheries between the European Economic Community, on the one hand, and the Government of Denmark and the Home Rule Government of Greenland, on the other,

HAVE AGREED AS FOLLOWS:

Article 1

1. This Protocol shall apply to fishing activities from 1 January 1990 until 31 December 1994.

2. The quotas referred to in Article 2 of the Agreement shall be fixed at the following quantities for each year:

	(tonnes)	
	Western stock (NAFO 0/1)	Eastern stock (ICES:XIV/V)
Cod	16.000	15.000
Redfish	5.500	46.820
Greenland halibut	1.850	3.750
Halibut	200	-
Shrimps	730	3.620
	for the first year of application of the Protocol	for the first year of appli- cation of the Protocol
	440	3.910
	for the second year of appli- cation of the Protocol	for the second year of appli- cation of the Protocol
	295	4.180
	for the third year of appli- cation of the Protocol	for the third year of appli- cation of the Protocol
	-	4.525
		from the fourth year of appli- cation of the Protocol
Catfish	2.000	-
Blue whiting	-	30.000
Capelin	-	30.000

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3. In addition to the quantities fixed in paragraph 2, Greenland shall each year contribute the following quantities of the following species toward establishing the balance of the reciprocal fishing possibilities laid down between the Community and the Faroe Islands in accordance with their fisheries agreement:

	(tonnes)	
	Western stock (NAFO 0/1)	Eastern stock (ICES:XIV/V)
Shrimps	270	880
	for the first year of application of the Protocol	for the first year of appli- cation of the Protocol
	160	990
	for the second year of appli- cation of the Protocol	for the second year of appli- cation of the Protocol
	105	1.045
	for the third year of appli- cation of the Protocol	for the third year of appli- cation of the Procotol
	-	1.150
		from the fourth year of appli- cation of the Protocol
Greenland halibut	150	150
Redfish	-	500
Capelin	-	10.000

#### Article 2

The quantities referred to in the first paragraph of Article 7 of the Agreement are hereby set at the following levels for each year:

	(tonnes)	
	Western stock (NAFO 0/1)	Eastern stock (ICES:XIV/V)
Cod	50.000	2.250
Redfish	2.500	5.000
Greenland halibut	4.700	-
Shrimps	25.000 1)	1.500
Catfish	4.000	-

1) Applicable for 1990, 1991 and 1992.

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Article 3

1. The financial compensation referred to in Article 6 of the Agreement shall, during the period of validity of this Protocol, be fixed at 34 250 000 ECU payable annually at the beginning of each fishing year.
2. The compensation shall be adjusted during the course of each fishing year in proportion, calculated on the basis of cod equivalents, to the supplementary quotas allocated to the Community under Article 8 of the Agreement.
3. The procedure to be followed as regards the allocation of supplementary catch possibilities under Article 8 of the Agreement is set out in the Annex.

Article 4

Failure to implement the commitments laid down in this Protocol may, without prejudice to the provisions of Articles 7 and 10 of the Agreement, entail a corresponding reduction in the commitments referred to in Articles 1 and 3 of this Protocol.

Article 5

This Protocol shall enter into force on the date of its signature. It shall apply from 1 January 1990. The parties shall notify each other of the completion of the procedures necessary for this purpose.

Article 6

This Protocol is drawn up in duplicate in the Danish, Dutch, English, French, German, Greek, Italian, Portuguese and Spanish languages, each text being equally authentic.

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ANNEX

1. The authorities responsible for Greenland undertake to offer to the Community by 15 November each year such supplementary catch possibilities referred to in Article 8 of the Agreement which at that time are expected to be available the following fishing year.

The Community shall inform the authorities responsible for Greenland of its reaction to the offer not later than 6 weeks after receipt of the offer. If the Community either declines the offer or does not react within 6 weeks the authorities responsible for Greenland will be free to offer the catch possibilities to other parties.

2. If at any time during the fishing year additional supplementary catch possibilities under Article 8 of the Agreement are identified, which exceeds the catch possibilities contained in the offer referred to in paragraph 1, the authorities responsible for Greenland shall offer the Community such additional possibilities.

The Community shall inform the authorities responsible for Greenland of its reaction to the offer not later than 6 weeks after receipt of the offer. If the Community either declines the offer or does not react within 6 weeks, the authorities responsible for Greenland will be free to offer the catch possibilities to other parties.

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## AGREEMENT

in the form of an exchange of letters concerning the provisional application of the Protocol laying down the conditions relating to fishing provided for in the Agreement on fisheries between the European Economic Community, on the one hand, and the Government of Denmark and the Home Rule Government of Greenland, on the other hand, for the period from 1 January 1990 to 31 December 1994.

A.

Letter from the Government of Denmark and the Home Rule Government of Greenland.

Sir,

With reference to the Protocol laying down the conditions relating to fishing, initialled on 30 June 1989, for the period from 1 January 1990 to 31 December 1994, I have the honour to inform you that the Government of Denmark and the Home Rule Government of Greenland are prepared to apply that Protocol provisionally from 1 January 1990 until its entry into force in accordance with Article 5 of the said Protocol, provided that the European Economic Community is prepared to do the same.

It is understood that, in this case, the payment of the financial compensation stipulated in Article 3 of the Protocol is effected by the beginning of the fishing year.

I should be obliged if you would confirm that the European Economic Community is in agreement with such provisional application.

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

For the Government of Denmark and  
the Home Rule Government of Greenland

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B.

Letter from the European Economic 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 laying down the conditions relating to fishing, initialled on 30 June 1989, for the period from 1 January 1990 to 31 December 1994, I have the honour to inform you that the Government of Denmark and the Home Rule Government of Greenland are prepared to apply that Protocol provisionally from 1 January 1990 until its entry into force in accordance with Article 5 of the said Protocol, provided that the European Economic Community is prepared to do the same.

It is understood that, in this case, the payment of the financial compensation stipulated in Article 3 of the Protocol is effected by the beginning of the fishing year.

I should be obliged if you would confirm that the European Economic Community is in agreement with such provisional application."

I have the honour to confirm the agreement of the European Economic Community to this provisional application.

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

On behalf of the Council of the  
European Communities

*Handwritten signature*

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*Handwritten number 12*

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# DOCUMENTS

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