

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(94) 392 final
Brussels, 20.09.1994

94/ 0211 (CNS)

Proposal for a

COUNCIL DECISION

on the conclusion of an Agreement, in the form of an Exchange of Letters concerning the amendment to the Agreement on fisheries between the European Community, on the one hand, and the Government of Denmark and the local Government of Greenland, on the other.

(presented by the Commission)

EXPLANATORY MEMORANDUM

The Fisheries Agreement with Greenland was automatically extended for an additional period of six years, until 31 January 2001, as neither party terminated it nine months in advance of the expiry date, 31 January 1995.

This Agreement has not been fully satisfactory for Community fishermen as the rate of utilization of the fishing possibilities in the Second Protocol has been very low, due to the unavailability of resources in some cases, and the lack of interest shown by Community fishermen in others.

With a view to improving the cost/benefit ratio of this Agreement, the Council authorized the Commission to negotiate, apart from an improvement in the direct fishing possibilities, the incorporation of elements of second generation agreements, particularly joint ventures and other types of associations.

During negotiations with Greenland, both parties identified their interest in exploring the potential for new fisheries and other types of co-operation. Joint enterprises and temporary joint ventures were therefore considered the best way to develop new fields of co-operation.

The incorporation of joint enterprises and temporary joint ventures in the Third Protocol makes it necessary for the provision of a legal basis. Consequently, amendment of the Agreement of 1985 is necessary.

The Commission therefore requests the Council to adopt this Decision.

PROPOSAL
FOR A
COUNCIL DECISION

on the conclusion of an Agreement, in the form of an Exchange of Letters concerning the amendment to the Agreement on fisheries between the European Community, on the one hand, and the Government of Denmark and the local Government of Greenland, on the other.

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the treaty establishing the European Community, and in particular Article 43 thereof in connection with Article 228 paragraph 3 first subparagraph;

Having regard to the proposal from the Commission;

Having regard to the opinion from the European Parliament;

Whereas the Agreement on fisheries between the European Community, on the one hand, and the Government of Denmark and the local Government of Greenland, on the other, concluded on 13 March 1984⁽¹⁾, expires on 31 January 1995;

Whereas according to Article 15, in the absence of termination of the Agreement by either Party, the Agreement will be extended for another period of six years;

Whereas negotiations have taken place with a view to amending the Agreement to include provisions on the promotion of the establishment of joint ventures and joint enterprises in the fisheries sector between vessels owners in the Community and enterprises in Greenland;

Whereas it is in the interest of the European Community to approve the Agreement in form of an Exchange of letters amending the Agreement on fisheries;

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an Exchange of Letters concerning the amendment to the Agreement on fisheries between the European Community, on the one hand, and the Government of Denmark and the local Government of Greenland, on the other, is hereby approved on behalf of the European Community.


The text of the Agreement is attached to this decision.

Article 2

The President of the Council is hereby authorized to designate the person empowered to sign the Agreement in the form of an Exchange of Letters in order to bind the Community.

For the Council
The President 15 September 1994

⁽¹⁾ O.J. L , 1.2.1985, p.8



AGREEMENT

In the form of an Exchange of Letters concerning an amendment to the Agreement on fisheries between the European Community, on the one hand, and the Government of Denmark and the Home Rule Government of Greenland, on the other.

A.

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

Sir,

With reference to the agreed record of conclusions on fisheries negotiations between the European Community, on the one hand, and the Government of Denmark and the Home Rule Government of Greenland, on the other, Copenhagen 29 June - 1 July 1994 and in particular to the amendment to the present Agreement on fisheries to include joint ventures and joint enterprises, I have the honour to inform you that the Government of Denmark and the Home Rule Government of Greenland are prepared to amend the said Agreement by adding the following Article :

"Article 8a.

The Contracting Parties shall promote the establishment of temporary joint ventures and joint enterprises in the fisheries sector between vessel owners in the Community and enterprises in Greenland.

Greenland shall grant the necessary authorization for such temporary joint ventures and joint enterprises established for the purpose of harvesting sea fisheries resources for operating in its fishing zone".

I should be obliged if you could confirm that the European Community is in agreement with this amendment.

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

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

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 :

"Sir,

With reference to the agreed record of conclusions on fisheries negotiations between the European Community, on the one hand, and the Government of Denmark and the Home Rule Government of Greenland, on the other, Copenhagen 29 June - 1 July 1994 and in particular to the amendment to the present Agreement on fisheries to include joint ventures and joint enterprises, I have the honour to inform you that the Government of Denmark and the Home Rule Government of Greenland are prepared to amend the said Agreement by adding the following Article :

"Article 8a.

The Contracting Parties shall promote the establishment of temporary joint ventures and joint enterprises in the fisheries sector between vessel owners in the Community and enterprises in Greenland.

Greenland shall grant the necessary authorization for such temporary joint ventures and joint enterprises established for the purpose of harvesting sea fisheries resources for operating in its fishing zone".

I should be obliged if you could confirm that the European Community is in agreement with this amendment."

I have the honour to confirm the agreement of the European Community to the amendment to the Agreement on fisheries.

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

On behalf of the Council of the
European Union

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