

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(81) 736 final.

Brussels, 1 December 1981

PROPOSAL FOR A COUNCIL DECISION

on the conclusion of an Agreement in the form of an exchange of letters providing for provisional application of the Agreement between the Government of the Republic of Senegal and the European Economic community amending the Agreement on fishing off the coast of Senegal, and of its Protocol

(submitted to the Council by the Commission)

COM(81) 736 final.



EXPLANATORY MEMORANDUM

The negotiations on the conditions for the continuation of the Agreement on fishing between the EEC and Senegal culminated on 12 November 1981 in the initialling of an Agreement amending that Agreement and its Protocol.

The amendments to the Agreement mainly concern:

- i. the introduction of licences for certain vessels, valid for less than a year, to take account of the seasonal nature of their fishing activities;
- ii. the fees to be paid by shipowners;
- iii. 10 study and training grants for a five year period for Senegalese nationals;
- iv. Community finance for a Senegalese scientific programme;
- v. signing of Senegalese observers on freezer trawlers.

The new Protocol to the Agreement lays down that between 15 November 1981 and 4 November 1983 the compensation payable by the Community will be identical to that provided for in the original Protocol (CFAF 2.500 million) and specifies tonnage use limits by category of vessels.

In order to avoid any break in the fishing activities of Community vessels from 15 November 1981, the date on which the provisional extension of the original Protocol expires, on 12 November, the heads of the two delegations also initialled an exchange of letters providing for provisional application of the Agreement between the Community and Senegal amending the Agreement concerning fishing off the coast of Senegal, and of its Protocol. This exchange of letters also makes provision for the payment of the first instalment of the Community compensation within eight weeks of the date on which it is signed.

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This provisional application arrangement is therefore identical to that already applied when the original Agreement was signed.

In the light of the above, the Commission recommends that at its next meeting the Council should:

- i. approve the attached proposal for a decision providing for provisional application of the said Agreement and its Protocol from the date on which the exchange of letters is signed;
- ii. authorize its President to designate the persons empowered to sign this exchange of letters.

PROPOSAL FOR A COUNCIL DECISION

on the conclusion of an Agreement in the form of an exchange of letters providing for provisional application of the Agreement between the Government of the Republic of Senegal and the European Economic Community amending the Agreement on fishing off the coast of Senegal, and of its Protocol

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Agreement between the Government of the Republic of Senegal and the European Economic Community on fishing off the coast of Senegal (1), and in particular the second paragraph of Article 17 thereof,

Having regard to the proposal from the Commission,

Whereas, pursuant to the second paragraph of Article 17 of the Agreement on fishing off the coast of Senegal, the Community and Senegal negotiated to determine the amendments or additions to be incorporated in its Annexes or in the Protocol referred to in Article 9 thereof;

Whereas, as a result of these negotiations, a draft Agreement amending the Agreement on fishing between the Community and the Republic of Senegal and a Protocol were initialled on 12 November 1981;

Whereas under that Agreement Community fishermen retain the fishing possibilities open to them in the waters under the sovereignty or jurisdiction of Senegal;

Whereas in order to avoid any interruption in the fishing activities of Community vessels, the Agreement amending the Agreement with Senegal and the Protocol should be approved as soon as possible;

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(1) O.J. No. L 226 of 29.8.1980, p. 17

Whereas, consequently, the two parties initialled an exchange of letters providing for the provisional application of the initialled Agreement and Protocol from 15 November 1981, the date of expiry of the arrangement laid down by the Agreement in the form of an exchange of letters approved by Council Decision 81/860/EEC (1), and whereas that Agreement and its Protocol should be approved provisionally pending a final decision pursuant to Article 43 of the EEC Treaty,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an exchange of letters providing for provisional application of the Agreement between the Government of the Republic of Senegal and the European Economic Community amending the Agreement on fishing off the coast of Senegal, and of the Protocol thereto, is hereby approved on behalf of the Community.

The text of the exchange of letters is annexed to this Decision.

Article 2

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

Done at

For the Council,
The President.

(1) O.J. No. L 319 of 7.11.1981, p. 22

D R A F T

Exchange of letters - Provisional application

A. Letter from the Government of the Republic of Senegal

Sir,

With reference to the draft Agreement between the European Economic Community and the Government of the Republic of Senegal amending the Agreement on fishing off the coast of Senegal signed on 15 June 1979, I have the honour to inform you that the Government of Senegal is prepared to apply that Agreement, together with the Protocol thereto, provisionally from this day until it enters into force in accordance with Article 2 of the said draft Agreement and Article 5 of the draft Protocol, provided that the European Economic Community is prepared to do likewise.

It is understood that, in this case, a first instalment equivalent to 50% of the compensation laid down in Article 2 of the draft Protocol must be paid within eight weeks of today.

I should be obliged if you would confirm that the European Economic Community agrees to provisional application as indicated above.

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

For the Government fo the
Republic of Senegal,

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 draft Agreement between the European Economic Community and the Government of the Republic of Senegal amending the Agreement on fishing off the coast of Senegal signed on 15 June 1979, I have the honour to inform you that the Government of Senegal is prepared to apply that Agreement, together with the Protocol thereto, provisionally from this day until it enters into force in accordance with Article 2 of the said draft Agreement and Article 5 of the draft Protocol, provided that the European Economic Community is prepared to do likewise.

It is understood that, in this case, a first instalment equivalent to 50% of the compensation laid down in Article 2 of the draft Protocol must be paid within eight weeks of today.

I should be obliged if you would confirm that the European Economic Community agrees to provisional application as indicated above.

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

I have the honour to inform you that the Community accepts the provisional application of the Agreement of its Protocol under the conditions referred to in your letter.

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

For the Council of the
European Communities,

DRAFT AGREEMENT

between the European Economic Community and the Gouvernement of the Republic of Senegal amending the Agreement on fishing off the coast of Senegal, signed on 15 June 1979

Article 1

The Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal is hereby amended as follows:

I. Article 4(4) shall be deleted.

II. The second sub-paragraph of Article 5(2) shall be worded as follows:

"The amounts payable and the method of payment, are set out in Annex I.A."

The third sub-paragraph of the said Article 3(2) shall be deleted.

III. In Annex I.A., paragraphs 1, 2 and 3 shall be worded as follows:

"A. Licence application and issuing formalities

The procedures for applications for and issue of licences enabling vessels flying the flags of Member States of the Community to fish in Senegalese waters shall be as follows:

1.1. The relevant Community authorities must present to the relevant Senegalese authorities (SEPM) (1) an application for each vessel that wishes to fish under the Agreement.

1.2. The application shall be made on the forms provided for that purpose by the Government of Senegal. A specimen is attached her to.

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(1) State Secretariat for Sea Fisheries

1.3. The technical services of the State Secretariat for Sea Fisheries shall inform the delegation of the EEC in Dakar as soon as the amount has been established permitting the vessel owner to pay the fees.

After payment of the fee, the license shall be signed and transmitted to the EEC delegation in Dakar.

If within two weeks of notification of the amount due, the fee has not been paid, the Community may make new applications for licences for the tonnages concerned.

1.4. Licences shall be valid from the date of issue until 31 December of the year in which they were issued.

1.5. However, trawlers which are not obliged to land their entire catch in Senegal may, within the limits laid down by the Protocol establishing fishing rights and compensation, obtain special licences valid for not more than four months.

1.6. The fees are set according to the following scale:

(a) trawlers landing their entire catch:

CFAF 8,500 per gross register ton per year for shrimp boats

CFAF 7,500 per gross register ton per year for fish boats

(b) trawlers not landing their entire catch and fishing throughout the year:

CFAF 17,000 per gross register ton per year for shrimp boats

CFAF 15,000 per gross register ton per year for fish boats

(c) freezer trawlers not landing their entire catch and fishing for a four month period between 1 April and 30 September:

CFAF 10,500 per gross register ton

(d) tuna boats landing their entire catch:

CFAF 2 per kg of fish caught.

(e) tuna boats not landing their entire catch:

CFAF 6 per kg of fish caught.

2. The fee shall be set for one year irrespective of the period for which the licence is valid, with the exception of:

- (a) the special licences referred to under 1.5
- (b) licences issued pursuant to paragraph 3
- (c) the case mentioned in Article 4-6) of the Agreement.

3. For licences issued at the beginning of the period of validity of the Protocol establishing fishing rights and compensation, and for licences valid until the expiry date of the said Protocol, the fee shall be in proportion to the period for which the licence is valid."

IV. Annex I.D. shall be worded as follows:

"D. Training grants and scientific programme

The two Parties agree that an essential condition for the success of their cooperation is that the competence and know-how of persons engaged in sea fishing should be improved. To this end, the Community shall make it easier for Senegalese nationals to find places in establishments in its Member States and shall provide 10 study and training grants for a five year period in the various scientific, technical and economic disciplines connected with fisheries."

V. The following point shall be added to Annex I:

"F. Signing on of observers

1. When fishing in Senegalese waters, freezer trawlers flying the flags of Member States of the Community shall accept observers designated by Senegal. The captain shall facilitate the work of the observer who shall benefit from the facilities provided for the officers of the vessel concerned.

2. The Senegalese authorities shall communicate the names of designated observers to the Commission of the European Communities.

3. No vessel shall be required to have more than one observer on board at one time.

4. Board and lodging shall be provided for the observer by the shipowner at the latter's expense.

His meals shall be served in the officers' mess. He shall be lodged in the areas provided for the officers or, if this is impossible, in a living area distinct from that provided for the crew.

5. The vessel owner shall reimburse the Senegalese Government at a flat rate, including all charges, of 8,000 FCFA per day spent by the observer on board the vessel."

Article 2

This Agreement shall enter into force on the date on which the Parties notify each other of the completion of the procedures necessary for this purpose.

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DRAFT PROTOCOL

establishing the fishing rights and compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal for the period from 16 November 1981 to 15 November 1983.

THE PARTIES TO THIS PROTOCOL

Having regard to the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal, signed on 15 June 1979 and amended by the Agreement signed on 1981,

HAVE AGREED AS FOLLOWS:

Article 1

The limits referred to in Article 4 of the abovementioned Agreement shall be set as follows:

- | | |
|------------------------------------------------------------------|----------------------------------------------------------------------------|
| 1. Tuna boats obliged to land their entire catch in Senegal: | 3,000 gross register tons, |
| 2. Trawlers obliged to land their entire catch in Senegal: | 2,150 gross register tons, |
| 3. Tuna boats not obliged to land their entire catch in Senegal: | 23,300 gross register tons, |
| 4. Trawlers not obliged to land their entire catch in Senegal: | |
| (a) for the whole year | 5,000 gross register tons, |
| (b) for a four-month period between 1 April and 30 September | 9,000 gross register tons over and above the tonnage referred to under (a) |

Article 2

1. The compensation referred to in Article 9 of the Agreement shall be set at CFAF 2,500 million to be mobilized in two annual instalments.

2. The compensation shall be paid out in accordance with the following procedure:

- for 1/3 into an account opened in the name of the State Secretariat for Sea Fisheries,
- for 2/3 into the account of the Treasurer General of Senegal.

Article 3

If the European Economic Community fails to make the payments provided for in this Protocol, the Agreement on fishing shall be suspended;

Article 4

The Community shall contribute CFAF 100 million towards the financing of a Senegalese scientific programme. This sum shall be put at the disposal of the Centre for Oceanographic Research of Dakar - Thiaroye (C.R.O.D.T.) which comes under the Senegalese Institute for Agricultural Research (I.S.R.A.).

Article 5

This Protocol shall enter into force on the date on which the Parties notify one another of the completion of the procedures necessary for this purpose.

FINANCIAL STATEMENT

DATE :

1. BUDGET LINE CONCERNED : 322 (1982) 892 (1981)

2. ACTION : Fishery agreement EEC-Senegal

3. LEGAL BASIS : Art. 17 - Fishery agreement EEC-Senegal and Art. 2 of the proposed Protocol 16 November 1981 - 15 November 1983

4. OBJECTIVES : Financial compensation for fishing rights for the period 16 November 1981 - 15 November 1983.

5. FINANCIAL CONSEQUENCE	FOR THE MARKETING YEAR	CURRENT FINANCIAL YEAR (81)	FOLLOWING FINANCIAL YEAR (82)
5.0 EXPENDITURE			
-CHARGED TO THE EC BUDGET (REVENUE/INTERVENTIONS)			4,1 MEUA
-CHARGED TO NATIONAL ADMINISTRATIONS			
-CHARGED TO OTHER NATIONAL BUDGETS			
5.1 RECEIPTS			
-ON REVENUES OF THE EC (LEVIES/CUSTOMS DUTIES)			
-NATIONAL			

	YEAR 1981	YEAR 1982	YEAR 1983
5.0.1 PLURIANNUAL PATTERN OF EXPENDITURE	p.m.	4,1 MEUA	4,1 MEUA
5.1.1 PLURIANNUAL PATTERN OF RECEIPTS			

5.2 METHOD OF CALCULATION

Annual financial compensation according to Art. 2 of the proposed protocol annexed to the agreement EEC-Senegal = 1,250 mio FCFA equalling approx. 4.1 mio EUA yearly as from 1982, thus 8,2 MEUA up to 15 November 1983.

6.0 FINANCING POSSIBLE WITH CREDITS INSCRIBED IN RELEVANT CHAPTER OF CURRENT BUDGET ? YES NO

6.1 FINANCING POSSIBLE BY TRANSFER BETWEEN CHAPTERS OF CURRENT BUDGET ? YES NO

6.2 NECESSITY FOR A SUPPLEMENTARY BUDGET ? YES NO

6.3 CREDITS TO BE WRITTEN INTO FUTURE BUDGETS ? YES NO

COMMENTS : The credit provided for in the draft budget 1982 covers all expected for 1982

