



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 23.9.2003
COM(2003) 557 final

Proposal for a

COUNCIL DECISION

on the signing, on behalf of the European Community, and provisional application of the Agreement in the form of an exchange of letters extending for the period 1 July 2003 to 30 June 2004 the period of validity of the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Republic of Côte d'Ivoire on fishing off the coast of Côte d'Ivoire

(presented by the Commission)

EXPLANATORY MEMORANDUM

The Protocol to the Fisheries Agreement between the European Community and the Government of Côte d'Ivoire expired on 30 June 2003.

Having regard to the current situation in Côte d'Ivoire, the two parties have decided to extend the period of validity of the Protocol by one year, from 1 July 2003 to 30 June 2004. The extension, in the form of an exchange of letters, was initialled by the two parties on 16 May 2003, in order to set out the technical and financial conditions governing the fishing activities of EC vessels in Ivorian waters for the period 1 July 2003 to 30 June 2004.

A benefit of the extension is that it gives the Ivorian authorities sufficient time to utilise the funds and draw up the reports on the implementation of the support programme for the sustainable management of fisheries resources in the framework of targeted measures, the latter being behind schedule.

The Commission accordingly proposes that the Council adopt a decision applying the Agreement in the form of an exchange of letters on a provisional basis, pending its definitive entry into force.

A proposal for a Council Regulation on the conclusion of the Agreement in the form of an exchange of letters extending the period of validity of the Protocol is the subject of a separate procedure.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission¹,

Whereas:

- (1) Under the terms of the Agreement between the European Economic Community and the Republic of Côte d'Ivoire on fishing off the coast of Côte d'Ivoire², the contracting parties are, prior to the expiry of the period of validity of the Protocol to the Agreement, to enter into negotiations to determine by mutual agreement the contents of the Protocol for the period that follows and, where applicable, the amendments or additions to be made to the Annex thereto.
- (2) The two parties have decided that, pending negotiations on amendments to the Protocol, the period of validity of the current Protocol approved by Regulation (EC) No 722/2001³ should be extended by one year by means of an agreement in the form of an exchange of letters initialled on 16 May 2003.
- (3) By virtue of the exchange of letters, Community fishermen are, from 1 July 2003 to 30 June 2004, entitled to fishing opportunities in waters under the sovereignty or jurisdiction of Côte d'Ivoire.
- (4) To avoid any interruption in the fishing activities of Community vessels it is essential that the extension should come into effect as soon as possible. It is therefore advisable to sign the agreement in the form of an exchange of letters and apply it provisionally pending the completion of the procedures required for concluding it.
- (5) The method of allocating the fishing opportunities among Member States on the basis of the Protocol that has expired should be confirmed.

¹ OJ C ... of ..., p. ...

² OJ L 379, 31.12.1990.

³ OJ L 102, 12.4.2001.

HAS DECIDED AS FOLLOWS:

Article 1

The signing of the Agreement, in the form of an exchange of letters, extending from 1 July 2003 to 30 June 2004 the period of validity of the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Republic of Côte d'Ivoire on fishing off the coast of Côte d'Ivoire is hereby approved on behalf of the Community, pending a Council Decision to conclude the Agreement.

The text of the Agreement is attached to this Decision.

Article 2

The Agreement shall apply provisionally from 1 July 2003.

Article 3

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

(a) demersal fishing:

Spain: 600 GRT per month, annual average

(b) tuna fishing:

(i) tuna seiners

– France: 18 vessels

– Spain: 21 vessels

(ii) surface longliners

– Spain: 15 vessels

– Portugal : 5 vessels

(iii) pole-and-line tuna vessels

– France : 7 vessels

– Spain: 5 vessels.

If licence applications from these Member States do not cover all the fishing opportunities available under the Protocol, the Commission may consider licence applications from any other Member State.

Article 4

Member States whose vessels operate under this Agreement shall, in accordance with the detailed rules laid down in Commission Regulation (EC) No 500/2001⁴, notify the Commission of the quantities of each stock caught in the fishing area of Côte d'Ivoire.

Article 5

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 on behalf of the Community pending its conclusion.

Done at

*For the Council
The President*

⁴ OJ L 73, 15.3.2001, p. 8.

AGREEMENT

**in the form of an exchange of letters extending from 1 July 2003 to 30 June 2004
the period of validity of the Protocol setting out the fishing opportunities and
financial contribution provided for in the Agreement between the European
Economic Community and the Republic of Côte d'Ivoire on fishing off the coast
of Côte d'Ivoire**

A. Letter from the Community

Sirs,

For the extension of the Protocol currently in force (1 July 2000 to 30 June 2003) setting out the fishing opportunities and financial contribution provided for in the Fisheries Agreement between the European Economic Community and the Government of the Republic of Côte d'Ivoire, and pending the negotiations on the amendments to be made to the Protocol, I have the honour to confirm that we agree to the following interim arrangements:

1. The period of validity of the arrangements applicable over the last three years will be extended for the period from 1 July 2003 to 30 June 2004.

The Community's financial contribution under the interim arrangements will be equal to the annual amount provided for in Article 3 of the Protocol currently in force. This financial contribution will be paid by 31 December 2003 at the latest. Payment for the targeted measures specified in Articles 3 and 4 will be made once the relevant conditions provided for in Article 4 of the Protocol have been fulfilled.

2. During the interim period, fishing licences will be granted within the limits applicable under Article 1 of the Protocol currently in force, against payment of fees or advances equal to those set out at point 1 of the Annex to the Protocol.

I should be obliged if you would acknowledge receipt of this letter and confirm that you are in agreement with its contents.

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

On behalf of the Council of the European Union

B. Letter from the Government of Côte d'Ivoire

Sirs,

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

"For the extension of the Protocol currently in force (1 July 2000 to 30 June 2003) setting out the fishing opportunities and financial contribution provided for in the Fisheries Agreement between the European Economic Community and the Government of the Republic of Côte d'Ivoire, and pending the negotiations on the amendments to be made to the Protocol, I have the honour to confirm that we agree to the following interim arrangements:

1. The period of validity of the arrangements applicable over the last three years will be extended for the period from 1 July 2003 to 30 June 2004.

The Community's financial contribution under the interim arrangements will be equal to the annual amount provided for in Article 3 of the Protocol currently in force. This financial contribution will be paid by 31 December 2003 at the latest. Payment for the targeted measures specified in Articles 3 and 4 will be made once the relevant conditions provided for in Article 4 of the Protocol have been fulfilled.

2. During the interim period, fishing licences will be granted within the limits applicable under Article 1 of the Protocol currently in force, against payment of fees or advances equal to those set out at point 1 of the Annex to the Protocol."

I have the honour to confirm that the above is acceptable to the Government of Côte d'Ivoire and that your letter and this letter constitute an agreement in accordance with your proposal.

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

For the Government of the Republic of Côte d'Ivoire.