

COM 2093

COMMISSION OF THE EUROPEAN COMMUNITIES
HILLMAN



COM(80) 310 final
Brussels, 10 June 1980

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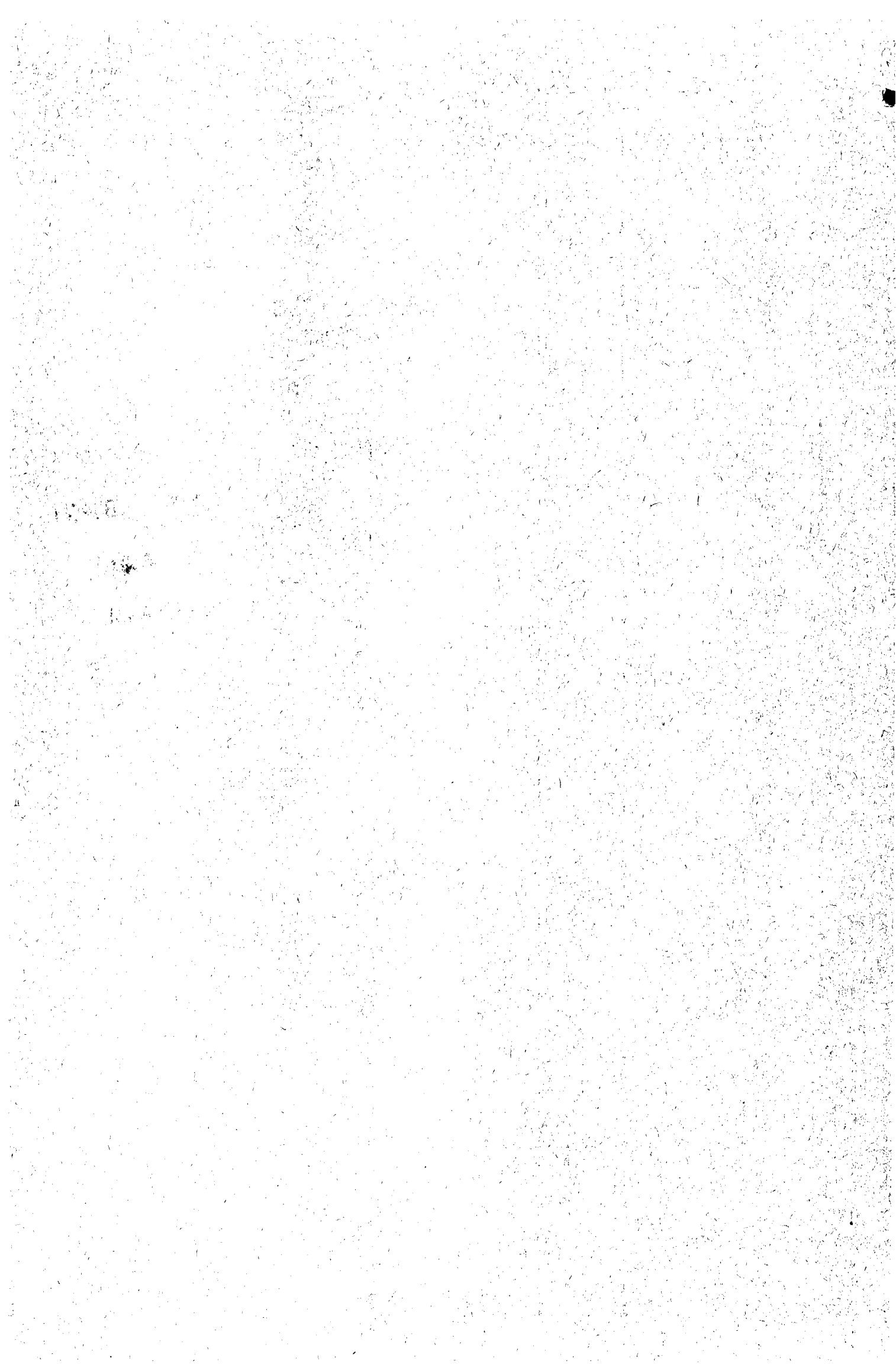
Proposal for a
COUNCIL DECISION

concerning the maintenance until 31 December 1980 of certain fishing
rights of Community fishermen in the territorial waters of Yugoslavia



(submitted to the Council by the Commission)

COM(80) 310 final



EXPLANATORY MEMORANDUM

1. Under the Agreement signed between Yugoslavia and Italy on 15 June 1973, fishermen who are Italian nationals were authorized to fish in certain areas of Yugoslav territorial waters, subject to financial counter-concessions from the Italian State. The Agreement expired on 31 December 1976.
2. To ensure that Italian fishermen could continue to fish in Yugoslav waters, the Council authorized Italy by its Decision of 13 December 1976, to agree with Yugoslavia on an interpretation whereby the said Agreement could be renewed until a fisheries agreement was concluded between the Community and Yugoslavia or until 31 December 1977 at the latest.
3. Authorization was granted to extend these arrangements during 1978 and 1979. On 20 December 1979 the Yugoslav authorities informed the Community that they did not intend to conclude a fisheries agreement on fishing in their territorial waters to replace the agreement concluded with Italy in 1973. They stated that they were willing to tolerate the presence of Italian vessels in certain parts of Yugoslav waters until the end of 1980.

The Yugoslav Government also suggested that cooperation between Yugoslavia and Italy could be possible in the form of joint ventures.

4. When adopting its Decision of 20 December 1977, the Council agreed upon the principle that the amount to be paid for fishing rights would be advanced by Italy and reimbursed afterwards by the Community less 20% representing reasonable fees which would be borne by the vessel owners.
5. In its Decision of 20 December 1979 the Council maintained the principle of reimbursement limited to 80% although the amount to be paid by the Italian Government had increased to 800 million lire for the whole of 1979.
6. In an aid memoire of 28 March 1980 the Italian delegation stated that the Yugoslav Government was prepared to extend until 31 December 1980 the same arrangements as those applicable in 1979 against payment of the same amount, namely 800 million lire. The Italian Government reserved its acceptance pending the outcome of the Council's discussion of this proposal.
7. For the same reasons as those underlying previous decisions the Commission therefore recommends that the Council adopt a decision on the lives of the annexed draft.

Proposal for a
Council Decision

concerning the maintenance until
31 December 1980 of certain fishing
rights of Community fishermen in the
territorial waters of Yugoslavia

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,
and in particular Article 103 thereof,

Having regard to the proposal from the Commission,

Whereas by its Resolution of 3 November 1976 the Council agreed upon the
need to ensure, through appropriate Community agreements, the securing and
maintenance of fishing rights for Community fishermen in the waters of
non-member countries;

Whereas by its Decisions of 19 December 1978 and 25 June 1979 the Council
authorized the Italian Republic to agree with the Socialist Federal
Republic of Yugoslavia upon the provisional maintenance until 30 June 1979
and 31 December 1979 of the fishing arrangements laid down in the fisheries
agreement of 1973 between Italy and Yugoslavia which expired in 1976;

Whereas, as regards 1979, the Yugoslav Government was unable to accept a prolonga-
tion without change of the arrangements laid down in the expired agreement,
but offered the Italian Government the provisional maintenance until
31 December 1979 of certain of the fishing rights provided for under the
agreement in return for the payment by Italy of financial compensation;

Whereas by its Decision of 20 December 1979 the Council authorized the
Italian Republic to accept this offer;

Whereas meanwhile the Yugoslav Government has offered the Italian Government
a prolongation until 31 December 1980 of the same arrangements as those
applicable in 1979;

Whereas it appears necessary, in order to avoid harming the interests of
Community fishermen, to authorize the Republic of Italy to accept this
offer;

Whereas by its previous abovementioned decisions the Council agreed to reimburse
Italy a part of the amount which it must pay as financial compensation for
the fishing rights granted by Yugoslavia;

Whereas the Italian Government should be placed in a position to express its
views on the offer made to it within a reasonable time; whereas accordingly
this decision should be adopted on the basis of Article 103 of the Treaty,

HAS DECIDED AS FOLLOWS:

Article 1

The Italian Republic is hereby authorized to conclude an agreement with the Socialist Federal Republic of Yugoslavia for the provisional maintenance until 31 December 1980 of certain fishing rights established by the fisheries agreement between Italy and Yugoslavia of 15 June 1973 in certain areas of Yugoslav territorial waters in return for payment of financial compensation amounting to 800 million lire.

Article 2

The amount paid by the Italian Republic as financial compensation under Article 1 shall be reimbursed by the Community up to a maximum of 640 million lire.

Done at Brussels,

For the Council
The President

FINANCIAL IMPLICATIONS

1. Under Article 17 of the 1973 fishing agreement between Yugoslavia and Italy Italy had to pay 570 million lire as financial compensation for the fishing rights granted in 1976 to Italian fishermen in Yugoslavian territorial waters. The same amount applied to extensions of the agreement in 1977 and 1978.
2. The decisions adopted by the Council authorizing the extension of these arrangements as from 1 January 1978 provided that the Community would contribute 80% of the expenditure incurred by the Italian Government in respect of this fishing arrangement. This principle was maintained in the Council Decision of 20 December 1979 which fixes the Community contribution at 640 million lire for 1979 in respect of which the financial compensation had been increased to 800 million lire. The Yugoslav Government proposes to maintain this figure for 1980; its acceptance thus implies a financial contribution by the Community of 640 million lire (approximately 547 710 UA at the current rate).
3. The 1980 draft budget includes an appropriate item for covering this expenditure, namely Article 890 entitled "reimbursements due under conventions on fishing in the Adriatic", and provides for appropriations of 700 000 UA.