

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(91)170 final

Brussels, 8 May 1991

Proposal for a

COUNCIL DECISION

**on the conclusion of an Agreement in the form of an
Exchange of Notes on the extension of and amendments
to the Agreement between the Government of the
United States of America and the European Economic Community
concerning fisheries off the coast of the United States**

(presented by the Commission)

EXPLANATORY MEMORANDUM

Under Article XIX of the Agreement between the Government of the United States of America and the European Economic Community concerning fisheries off the coast of the United States as amended and extended by exchange of notes adopted by Council Decision (89/167/EEC) of 23 February 1989 that agreement remains in force until 1 July 1991, unless extended by exchange of notes between the Parties.

In a note dated 1 February 1991 of the Department of State it is proposed that the agreement be further extended until 31 December 1993 with certain amendments reflecting changes in US law since the agreement was signed. Furthermore, the United States express their desire to address cooperatively with the Community the recommendations outlined in United Nations Resolution 44/225 of December 1989 on Large-Scale Pelagic Driftnet Fishing, as well as concerns about the burgeoning fishery for pollock in the central Bering Sea area.

In its reply note of 5 March 1991, the Commission informed that it should propose to the Council of Ministers that the Agreement be extended until 31 December 1993 as proposed in the US note and on the terms set out in that note. Moreover, it confirmed that the Community is prepared to cooperate with the United States of America in matters pertaining to the fulfillment of the recommendations set out in the above United Nations Resolution and to the conservation of the pollock resource in the Central Bering Sea.

On this basis and in view of the importance of maintaining the fishing possibilities in US waters for certain Community fishermen it is being proposed that the Community in a note to the United States Mission to the European Communities agrees to the proposal of the Government of the United States to extend the agreement as amended until 31 December 1993.

Proposal for a

COUNCIL DECISION

of 1991

on the conclusion of an Agreement in the form of an Exchange of Notes on the extension of and amendments to the Agreement between the Government of the United States of America and the European Economic Community concerning fisheries off the coast of the United States

(/ /EEC)

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 United States of America and the European Economic Community concerning fisheries off the coast of the United States (1), as extended and amended by the Agreement in the form of an Exchange of Notes adopted by Council Decision 89/167 EEC of 23 February 1989 (2), and in particular Articles XIV and XIX 1 thereof,

Having regard to the proposal from the Commission,

Whereas the Community and the United States have conducted consultations as provided for in Article XIV of the Agreement on the further extension of and amendments to the Agreement which expires 1 July 1991;

Whereas the two parties agreed to further amend and extend the Agreement for a period of two and a half years; whereas that agreement should be approved, in the form of an Exchange of Notes to that effect,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an Exchange of Notes on the further extension of and amendments to the Agreement between the Government of the United States of America and the European Economic Community concerning fisheries off the coast of the United States 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 order to bind the Community.

Done at Brussels, 1991.

For the Council
The President

(1) OJ No L 272, 13.10.1984, p. 3.

(2) OJ No L 63, 7.3.1989, p. 22

AGREEMENT

In the form of an Exchange of Notes on the further extension of and amendments to the Agreement between the Government of the United States of America and the European Economic Community concerning fisheries off the coast of the United States.

A. Note from the Government of the United States of America, Department of State, Washington, February 1, 1991

"I have the honor to refer to the agreement between the Government of the United States of America and the European Community concerning fisheries off the coasts of the United States of America, signed at Washington on October 1, 1984, as amended and extended (hereinafter referred to as "the Agreement"), and due to expire on July 1, 1991. Noting the desire by the United States to address cooperatively with the Communities the recommendations outlined in United Nations Resolution 44/225 of December 1989 on Large-Scale Pelagic Driftnet Fishing, as well as concerns about the burgeoning fishery for pollock in the central Bering Sea area, I have the further honor to propose that, in accordance with the provisions of Article XIX, the Agreement be extended until December 31, 1993, and that it be further amended as follows:

1. In Article II, paragraph 1, delete "(except highly migratory species of tuna)".
2. In Article II, delete existing paragraph 2 in its entirety and replace it with:

"2. "fish" means all finfish, mollusks, crustaceans, and other forms of marine animal and plant life, other than marine mammals and birds;"

3. In Article II, at the end of subparagraph 6) b), add the word "and", delete paragraph 7 and renumber the present paragraph 8 as paragraph 7.
4. In Article IV, paragraph 4, replace the phrase "fishery conservation zone" with "exclusive economic zone of the United States".
5. In Article IV, paragraph 7 delete "; and" and replace with ";".
6. In Article IV, delete existing paragraph 8 and replace with a new paragraph 8 as follows:

"8. whether, and to what extent, such nation is cooperating with the United States in matters pertaining to the fulfillment of the recommendations outlined in United Nations General Assembly Resolution 44/225 of December 1989 on Large-Scale Pelagic Driftnet Fishing and in the conservation of the pollock resource in the central Bering Sea; and"

7. In Article IV, add a new paragraph 9 as follows:
"9. such other matters as the Government of the United States deems appropriate.
8. In Article XII, add a new paragraph 5 as follows:
"5. The Community shall cooperate with the Government of the United States in matters pertaining to the fulfillment of the recommendations outlined in United Nations General Assembly Resolution 44/225 of December 1989 on Large-Scale Pelagic Driftnet Fishing and in the conservation of the pollock resource in the central Bering Sea".

I have the further honor to propose that if these proposals are acceptable to the European Communities, this Note and the Communities' Note in reply to that effect shall constitute an Agreement between the Government of the United States of America and the European Communities, which will enter into force on a date to be agreed upon in a subsequent exchange of diplomatic notes between the two parties following the completion of necessary internal procedures."

For the Secretary of State

B. Note from the European Economic Community

I have the honour to acknowledge receipt of the Department of State's Note of 1 February 1991, which reads as follows:

"I have the honor to refer to the agreement between the Government of the United States of America and the European Community concerning fisheries off the coasts of the United States of America, signed at Washington on October 1, 1984, as amended and extended (hereinafter referred to as "the Agreement"), and due to expire on July 1, 1991. Noting the desire by the United States to address cooperatively with the Communities the recommendations outlined in United Nations Resolution 44/225 of December 1989 on Large-Scale Pelagic Driftnet Fishing, as well as concerns about the burgeoning fishery for pollock in the central Bering Sea area, I have the further honor to propose that, in accordance with the provisions of Article XIX, the Agreement be extended until December 31, 1993, and that it be further amended as follows:

1. In Article II, paragraph 1, delete "(except highly migratory species of tuna)".
2. In Article II, delete existing paragraph 2 in its entirety and replace it with:

"2. "fish" means all finfish, mollusks, crustaceans, and other forms of marine animal and plant life, other than marine mammals and birds;"

3. In Article II, at the end of subparagraph 6) b), add the word "and", delete paragraph 7 and renumber the present paragraph 8 as paragraph 7.
4. In Article IV, paragraph 4, replace the phrase "fishery conservation zone" with "exclusive economic zone of the United States".
5. In Article IV, paragraph 7 delete "; and" and replace with ";".
6. In Article IV, delete existing paragraph 8 and replace with a new paragraph 8 as follows:

"8. whether, and to what extent, such nation is cooperating with the United States in matters pertaining to the fulfillment of the recommendations outlined in United Nations General Assembly Resolution 44/225 of December 1989 on Large-Scale Pelagic Driftnet Fishing and in the conservation of the pollock resource in the central Bering Sea; and"

7. In Article IV, add a new paragraph 9 as follows:
"9. such other matters as the Government of the United States deems appropriate.

8. In Article XII, add a new paragraph 5 as follows:

"5. The Community shall cooperate with the Government of the United States in matters pertaining to the fulfillment of the recommendations outlined in United Nations General Assembly Resolution 44/225 of December 1989 on Large-Scale Pelagic Driftnet Fishing and in the conservation of the pollock resource in the central Bering Sea."

I have the further honor to propose that if these proposals are acceptable to the European Communities, this Note and the Communities' Note in reply to that effect shall constitute an Agreement between the Government of the United States of America and the European Communities, which will enter into force on a date to be agreed upon in a subsequent exchange of diplomatic notes between the two parties following the completion of necessary internal procedures."

With reference to and in conformity with the contents of the Commission's letter of 5 March 1991, I have the honour to confirm that the proposals set out in the above note are acceptable to the European Economic Community and that the above note and this note constitute an Agreement between the Government of the United States of America and the European Economic Community.

On behalf of the Council of
the European Communities

1991

COMPETITIVENESS AND EMPLOYMENT IMPACT STATEMENT

The object of the proposed decision is to safeguard for Community fishermen the fishing possibilities under the existing Agreement between the European Economic Community and the Government of the United States of America concerning fisheries off the coasts of the United States, which expires on 1 July 1991, for a further period of two and a half years, i.e. until 31 December 1993. This will not involve undertakings in any additional obligations except for the respect of the respective US legislation.

RAPPORT DE L'IMPACT SUR LA COMPETITIVITE ET L'EMPLOI

L'objet de la décision proposée est de sauvegarder pour les pêcheurs de la Communauté les possibilités de pêche selon l'accord existant entre la Communauté économique européenne et le gouvernement des Etats-Unis d'Amérique concernant les pêcheries au large des côtes des Etats-Unis, qui expirera le 1er juillet 1991, pour une période ultérieure de deux ans et demi, c'est-à-dire jusqu'au 31 décembre 1993. Ceci n'implique pas des obligations additionnelles pour les entreprises, à l'exception du respect de la législation respective des Etats-Unis.

BERICHT ÜBER DIE AUSWIRKUNGEN AUF WETTBEWERBSFÄHIGKEIT UND BESCHÄFTIGUNG

Gegenstand der vorgeschlagenen Entscheidung ist es, für die Fischer der Gemeinschaft die Fischereimöglichkeiten aus dem bestehenden Abkommen zwischen der Europäischen Wirtschaftsgemeinschaft und der Regierung der Vereinigten Staaten von Amerika über die Fischerei vor den Küsten Amerikas, das am 1. Juli 1991 ausläuft, für einen weiteren Zeitraum von zweieinhalb Jahren aufrechtzuerhalten, d.h. bis 31. Dezember 1993. Dies bringt keine zusätzlichen Verpflichtungen für die Unternehmen mit sich, mit Ausnahme der Einhaltung der einschlägigen US-Gesetzgebung.

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