

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(80) 886 final

Brussels, 16th December 1980

RECOMMENDATION FOR A COUNCIL DECISION

concerning the conclusion of an Agreement in the form of an exchange of
letters between the Government of Canada and the European
Economic Community concerning their fisheries relations

(presented by the Commission to the Council)

COM(80) 886 final

Com 886

EXPLANATORY MEMORANDUM

1. By its decision of April 1980 the Council authorized the Commission to conduct negotiations for a fisheries agreement with Canada.
2. The negotiations between the Government of Canada and the Commission reached their conclusion on 29 November 1980. The text of the Agreement, in the form of an exchange of letters, was initialled by Mr. A.E.H. Campbell, Director General, International Fisheries Division, Department of Fisheries and Oceans, Ottawa, and by Mr. R. Simonnet, Director, Directorate-General for Fisheries, Commission of the European Communities. The Agreement is to be valid for six years in the first instance.
3. The Agreement provides for the opening by the Community of tariff quotas for the importation of certain fisheries products. The products, tariff rates and quantities proposed are given in Annex II to the draft exchange of letters. The tariff quotas to be opened by the Community are erga omnes, i.e. any country which has the right to fish for the species in question in the North Atlantic will be able to benefit from these quotas. The quotas are to be opened in the framework of the Community's regulations concerning the common organization of the market for fisheries products.
4. The Agreement also refers to the Community's regulation of salmon catches at West Greenland for 1981, and if an international convention on Atlantic Salmon has not yet come into effect, for 1982 and 1983. In the framework of its policy for the conservation and management of fisheries resources, the Commission will propose that the possibility for catching salmon by Community vessels west of 44°W be fixed in an addendum to its proposal for a Council Regulation fixing total allowable catches for 1981, and if necessary, by similar regulations for 1982 and 1983.
5. The Commission considers that it is in the interest of the Community to open the tariff quotas set out in Annex II to the Draft Agreement in the form of an exchange of letters. These concessions correspond in value and in duration with the fishing possibilities to be made available by Canada to vessels flying the flag of Member States of the Community.
6. In the light of the foregoing, the Commission
 - (i) recommends that the Council, at its next meeting, authorize its President to designate the persons authorized to sign this Agreement,
 - (ii) proposes that the Council approve the outcome of the negotiations by taking the decision, a recommendation for which is annexed hereto, thereby approving the Agreement.

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Recommendation for a Council Decision

concerning the conclusion of an Agreement in the form
of an exchange of letters between the Government of
Canada and the European Economic Community concerning
their fisheries relations

THE COUNCIL OF THE EUROPEAN COMMUNITIES

Having regard to the Treaty establishing the European Economic Community,
and, in particular, Article 113 thereof,

Having regard to the recommendation from the Commission,

Whereas the European Economic Community and the Government of Canada have
concluded their negotiations concerning their fisheries relations,

Whereas the resulting Agreement in the form of an exchange of letters,
annexed to this Decision provides for the opening of tariff quotas by the
Community for certain fisheries products from 1 January 1981,

Whereas it is, therefore, appropriate that the Agreement in the form of
an exchange of letters be approved on the basis of Article 113 of the Treaty

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an exchange of letters between the Government
of Canada and the European Economic Community concerning their fisheries
relations is hereby approved on behalf of the Community.

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

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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

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Draft Declaration of the Council and the Commission
to be included in the minutes of the Council

The Council and the Commission hereby confirm their understanding that the Canadian authorities have undertaken to deliver licences to fish parts of the allocations provided for in Annex I to the Agreement in the form of an exchange of letters to any Member State of the Community which has an interest in these fisheries, taking into account the quotas allocated to vessels flying the flag of the respective Member States in the areas concerned in the framework of the Common Fisheries Policy. The Council and the Commission declare that the tariff quotas opened under Annex II to this Agreement may be reconsidered or closed if the Canadian authorities do not carry out the undertaking referred to above.

Letter from the European Economic Community to the Government of Canada

Sir,

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

"

....."

I have the honour to inform you that the Council of the European Communities is in agreement with the contents of your letter.

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

On behalf of the Council of
the European Communities

EXCHANGE OF LETTERS BETWEEN
THE GOVERNMENT OF CANADA
AND THE
EUROPEAN ECONOMIC COMMUNITY
CONCERNING
THEIR FISHERIES RELATIONS

Sir,

With reference to the Agreement on Fisheries between the European Economic Community and the Government of Canada signed on this date, in particular, to Article VIII, I have the honour to confirm that the Government of Canada will provide to vessels flying the flag of Member States of the Community the opportunity to fish according to the laws and regulations of Canada the allocations listed in Annex I to this letter.

The maintenance of these allocations shall be contingent upon the fulfilment by the Community of its obligations with regard to commercial cooperation set out below.

If the benefits from this undertaking are nullified or impaired by direct or indirect action by Canada, the two Parties shall consult promptly with a view to removing such nullification or impairment.

I have the honour in addition to confirm my understanding that the Community will open tariff quotas for the importation of fisheries products as specified in Annex II to this letter during the period 1 January 1981 to 31 December 1986.

The maintenance of these tariff quotas shall be contingent upon the fulfillment by Canada of its obligations concerning fishing allocations set out above.

If the benefits from this undertaking are nullified or impaired by direct or indirect action by the Community, the two Parties shall consult promptly with a view to removing such nullification or impairment.

The two Parties agree to examine, before January 1, 1986, the mutual fisheries arrangements which might follow those provided for in the present arrangement.

This exchange of letters is without prejudice to the rights and obligations of Canada and the Community under the General Agreement on tariffs and trade.

With regard to Atlantic Salmon, the Government of Canada and the Community recognize that states in whose rivers anadromous stocks originate have the primary interest in and responsibility for such stocks, and agree that fishing for anadromous species should not be conducted in areas beyond the limits of national fisheries jurisdiction. They will continue to work together for the establishment, as soon as possible, of a permanent international arrangement reflecting this position.

In the interest of the conservation of anadromous species, each Party, in the context of close scientific cooperation, shall regulate the fishing for anadromous species within its area of fisheries jurisdiction, and shall take measures to prevent vessels flying the flag either of Canada or of a Member State of the Community from taking anadromous species in waters beyond the limits of their fishery zones.

The two Parties agree on the following measures, for 1981 :

- The Government of Canada shall regulate the fishing of Atlantic salmon in the Canadian area of fisheries jurisdiction in such a manner as to avoid as far as possible the catching of Atlantic salmon of Community origin.
- The Community will limit fishing for Atlantic salmon west of 44° west longitude by vessels flying the flag of Member States of the Community to 1,190 tonnes, and will ensure that such catches are taken in accordance with the fishing patterns of 1976 and 1977.

Moreover, the two Parties agree to examine, before 1 July 1981, the consequences for the salmon fishery which might result from any change in the opening dates of the fishery season in Greenland.

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If an International Convention for Atlantic salmon has not been established in time to determine fishing conditions applicable in 1982, the two Parties agree to prolong the preceding provisions for one year and, if the aforesaid Convention has not yet entered into force, until 31 December 1983.

If the proposals referred to in this letter are acceptable to the Community, I have the further honour to propose that this Note, and your reply to that effect, shall constitute an agreement between the European Economic Community and the Government of Canada which shall enter into force on the date on which the Parties notify each other of the completion of the procedures necessary for this purpose.

ANNEX I

Annual quotas to be allocated to the Community by Canada for the period
1 January 1981 - 31 December 1981.

<u>Species</u>	<u>Zone</u>	<u>Quantity</u>
Cod	2J3KL	8,000 t
Cod	2GH	6,500 t
Squid	3 and 4	7,000 t

1 January 1982 to 31 December 1986

Cod	2J3KL	9,500 t
Cod	2GH	6,500 t
Squid	3 and 4	7,000 t

Annex II
 Tariff quotas to be opened by the European Economic Community
 1981 - 1986

in tonnes

Item	Rate	1981	1981	1983	1984	1985	1986
03.01.9.I. h)2 Cod frozen round(1)	3.7% (2)	5.000	5.000	6.000	6.000	6.000	6.000
03.01.9.I. f)2 Red fish frozen round							
03.01.8.II. b)1.	4% (2)	7.000	8.000	8.000	9.000	9.000	9.000
Cod fillets frozen (1)	6% (2)	9.000	10.000	11.000	12.000	13.000	15.000
03.02.A.I. b Cod whole salted	0%	(3)	(3)	(3)	4.000	5.000	6.000
03.02.A.II. a Cod fillets salted	0%	(3)	(3)	(3)	2.500	3.500	4.000
ex. 16.04.C.II "Herring-flaps", prepared or preserved in vinegar, in packings of a net capacity of 10 Kg or more	10%	3.000	4.000	4.500	6.000	6.500	7.000

(1) Of the species *gadus morhua*, North Atlantic cod; imports into the Community will be permitted only when accompanied by a certificate of origin,

(2) the suspension shall apply to fish intended to undergo any treatment unless they are intended to undergo exclusively one or more of the following treatments :

- cleaning, gutting, heading, tailing
- cutting (excluding filleting or cutting of frozen blocks)
- sorting,
- labelling,
- packing,
- icing,
- freezing,
- deep freezing,
- thawing, separation.

The suspension is not allowed for products on which otherwise qualifying treatments are intended to be carried out at retail or catering level. The suspension shall apply only to fish intended for human consumption. Control of the use for this special purpose shall be carried out pursuant to the relevant Community provisions.

(3) Without quantitative limits