



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 27.11.1996  
COM(96) 611 final

96/0287 (CNS)

Proposal for a

COUNCIL DECISION

**on the conclusion of an Agreement in the form of an  
exchange of letters concerning the interim extension of the Protocol  
to the Agreement between the European Community and the  
Government of the Republic of Senegal on fishing off the coast of Senegal  
for the period from 2 October 1996 to 1 November 1996**

(presented by the Commission)



## EXPLANATORY MEMORANDUM

The Protocol to the EC-Senegal Fisheries Agreement expires on 1 October this year. An Agreement has been concluded in the form of an exchange of letters extending on an interim basis the said Protocol to the Agreement for a month. This extension is needed so that negotiations can continue without any suspension of fishing by Community vessels, of which there are over 60 in Senegal's exclusive economic zone.

The Commission proposes that the Council decide to adopt the draft Agreement in the form of an exchange of letters concerning the interim extension of the Protocol pending the signing of a new Protocol.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 43 and 228(2) and (3), first subparagraph, thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of Parliament,

Whereas the Community and Senegal have entered into negotiations, in accordance with the second paragraph of Article 17 of the Agreement of 15 June 1979 between the European Community and Senegal on fishing off the coast of Senegal, in order to establish the arrangements to be applied after 1 October 1996, the date on which the Protocol to the Agreement expires;

Whereas the two Parties agreed on 27 September 1996 to extend the said Protocol for an interim period, from 2 October to 1 November 1996, pending the outcome of the negotiations referred to above,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Agreement in the form of an exchange of letters concerning the interim extension of the Protocol to the Agreement between the European Community and the Government of the Republic of Senegal on fishing off the coast of Senegal for the period from 2 October 1996 to 1 November 1996 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 the form of an exchange of letters in order to bind the Community.

Done at

For the Council  
The President

## AGREEMENT

**in the form of an  
exchange of letters concerning the interim extension of the Protocol  
to the Agreement between the European Community and the  
Government of the Republic of Senegal on fishing off the coast of Senegal  
for the period from 2 October 1996 to 1 November 1996**

### *A. Letter from the Community*

Sir,

I have the honour to confirm that we agree to the following interim arrangements for the extension of the Fisheries Agreement between the Government of the Republic of Senegal and the European Community, pending the conclusion of the negotiations on the amendments to be made to the Protocol to the Fisheries Agreement.

1. The arrangements applicable over the last two years shall be extended for a period from 2 October until 1 November 1996.

For the interim period, the financial compensation paid by the Community and the level of its contribution to the financing of a Senegalese scientific programme and the programmes provided for in Article 5 shall be determined *pro rata temporis* in accordance with Articles 2, 3 and 5 of the current Protocol.

The same principle of *pro rata temporis* shall apply to the arrangements for study awards provided for in Article 4 of the Protocol.

2. During the interim period licences shall be issued within the limits laid down in Article 1 of the current Protocol on payment of fees or advances that correspond *pro rata temporis* to those laid down in points A and B of Annex I to the Protocol.

The payments provided for in point 1 shall be made before 31 December 1996 in the same way as provided for in the initial 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, Sir, the assurance of my highest consideration,

On behalf of the Council of the European Union

*Letter from the Government of Senegal*

Sirs,

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

"I have the honour to confirm that we agree to the following interim arrangements for the extension of the Fisheries Agreement between the Government of the Republic of Senegal and the European Community, pending the conclusion of the negotiations on the amendments to be made to the Protocol to the Fisheries Agreement.

1. The arrangements applicable over the last two years shall be extended for a period from 2 October until 1 November 1996.

For the interim period, the financial compensation paid by the Community and the level of its contribution to the financing of a Senegalese scientific programme and the programmes provided for in Article 5 shall be determined *pro rata temporis* in accordance with Articles 2, 3 and 5 of the current Protocol.

The same principle of *pro rata temporis* shall apply to the arrangements for study awards provided for in Article 4 of the Protocol.

2. During the interim period licences shall be issued within the limits laid down in Article 1 of the current Protocol on payment of fees or advances that correspond *pro rata temporis* to those laid down in points A and B of Annex I to the Protocol.

The payments provided for in point 1 shall be made before 31 December 1996 in the same way as provided for in the initial Protocol.

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

I have the honour to confirm that the above is acceptable to the Government of Senegal 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 Senegal

## FINANCIAL STATEMENT

1. **TITLE OF OPERATION:** interim extension of the EC-Senegal Financial Protocol for one month.
2. **BUDGET HEADING INVOLVED:** B7-800
3. **LEGAL BASIS:** Article 43 and Article 228(2) and (3), first subparagraph, of the Treaty  
EC-Senegal Fisheries Agreement (OJ L 226, 29.8.1980, p. 17)
4. **DESCRIPTION OF OPERATION**
  - 4.1 **GENERAL OBJECTIVE:** extend by one month the current Protocol, which expires on 1 October.
  - 4.2 **PERIOD COVERED AND ARRANGEMENTS FOR RENEWAL OR EXTENSION:**  
Period: 2 October to 1 November 1996  
Arrangements for renewal: negotiations before expiry of extended protocol
5. **CLASSIFICATION OF EXPENDITURE OR REVENUE:**
  - 5.1 Compulsory expenditure
  - 5.2 Differentiated appropriations
  - 5.3 Type of revenue involved
6. **TYPE OF EXPENDITURE**
  - Other: financial compensation for a non-member country in return for the fishing opportunities accorded and set out in the Protocol
7. **FINANCIAL IMPACT**
  - 7.1 **METHOD OF CALCULATING TOTAL COST OF OPERATION (DEFINITION OF UNIT COSTS)**  
See annex to Protocol

## 7.2 Itemised breakdown of cost

(ECU at current values)

Breakdown	Budget year 1996	n + 1	n +2		TOTAL
<b>Art. 2 Protocol</b>	658 333				658 333
<b>Art. 3 Protocol</b>	19 083				19 083
<b>Art. 4 Protocol</b>	9 584				9 584
<b>Art. 5 Protocol</b>	63 000				63 000
<b>TOTAL</b>	<b>750 000</b>				<b>750 000</b>

## 7.3 Schedule for proposed new operation

	1996	1997	1998		TOTAL
<b>Commitment appropriations</b>	750 000				750 000
<b>Payment appropriations</b>					
1996	750 000				750 000
1997					
1998					
<b>TOTAL</b>	<b>750 000</b>				<b>750 000</b>

## 8. FRAUD PREVENTION MEASURES; RESULTS OF MEASURES TAKEN

Since this is a payment for services rendered (i.e. fishing rights), the financial compensation paid by the Community will be used by the authorities of the country concerned as they wish, apart from reports to be submitted to the Community on the use of certain funds (for the scientific programme) as provided for in the Agreement.

Furthermore, the Member States must certify to the Community that the information on the vessels' tonnage certificates is correct so that the amount of the financial compensation calculated on this basis cannot be disputed. For this reason, the Agreement also provides for catch declarations by Community vessels.

## 9. ELEMENTS OF COST-EFFECTIVENESS ANALYSIS

The extension of one month is necessary because it will allow negotiations to continue without penalizing the Community fleet, which will be able to continue fishing in Senegal's EEZ for one month, so avoiding the immobilization of dozens of vessels with all that would entail. The extension will also enable some vessels affected by the biological resting period in Mauritanian waters to fish off Senegal in the meantime.



In addition to the direct commercial value of the catches, the Agreement offers the following advantages:

- guarantee of employment on board the fishing vessels;
- knock-on benefits in the form of jobs in the ports, fish auctions, processing plant, naval yards and service industries in the areas concerned;
- these jobs are in areas where there are no alternatives to fishing;
- a supply of fish products to the Community market.

Naturally, quite apart from these benefits, we should not forget the importance of our relations with Senegal in the political as well as the fisheries sphere.

The one-month extension will make it possible to continue negotiations on the conclusion of a new agreement without any suspension of fishing activities.

#### **10. ADMINISTRATIVE EXPENDITURE (PART A OF THE BUDGET)**

No impact on administrative expenditure

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# DOCUMENTS

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