

COMMISSION OF THE EUROPEAN COMMUNITIES

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COM(79) 789 final

Brussels, 20 December 1979

Proposal for a Council Decision

concerning the conclusion of an Agreement in the form of an exchange of letters providing for the provisional application of two Agreements concerning fisheries in the form of exchanges of letters between the European Economic Community and the Government of Canada

Proposal for a Council Regulation

approving two Agreements in the form of an exchange of letters between the European Economic Community and the Government of Canada concerning fisheries

(presented by the Commission to the Council)

COM(79) 789 final

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EXPLANATORY MEMORANDUM

The Agreement on Fisheries and the Agreement in the form of an exchange of letters referring thereto recently concluded between the Community and Canada expire on 31 December 1979.

Negotiations were held on 6 - 7 December between the parties with a view to extending the said Agreements for a further year, pending the negotiation of a longer-term framework agreement on fisheries.

The two delegations were able to agree upon a formula whereby the obligations of each party would continue for the calendar year 1980. This would involve:

- (1) an Agreement in the form of an exchange of letters concerning the extension until 31 December 1980 of the existing Agreement on Fisheries, with slight modification to two Articles thereof;
- (2) a separate Agreement in the form of an exchange of letters concerning salmon fishing.

- (3) It was also agreed by the two delegations that provision should be made for the provisional application of these two Agreements from the date of signature, in view of the importance for Community fishing vessels of access to Canadian fishing grounds from the beginning of 1980. To this end a further Agreement in the form of an exchange of letters has been prepared.

In view of the foregoing, and taking into account the difficulties which a delay in the application of these Agreements would cause for certain Community fleets, the Commission

- (1) recommends that the Council, at its next meeting, authorize signature of the two Agreements on fisheries, and adopt the Decision annexed hereto (Annex I) approving the Agreement providing for provisional application of these two Agreements;

- (2) proposes that the Council, after consulting the European Parliament, adopt a Regulation approving the two Agreements on fisheries, a proposal for which is annexed hereto (Annex II).

Proposal for a
Council Decision

concerning the conclusion of an Agreement in the form of an exchange of letters providing for the provisional application of two Agreements concerning fisheries in the form of exchanges of letters between the European Economic Community and the Government of Canada.

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 the European Economic Community and the Government of Canada have concluded an Agreement on Fisheries which expires on 31 December 1979 (1), and a supplementary Agreement in the form of an exchange of letters concerning that Agreement;

Whereas negotiations between the parties have been held with a view to the extension of their Agreement on Fisheries for the year 1980, and the conclusion of an Agreement in the form of an exchange of letters concerning salmon fishing;

Whereas the representatives of both parties have agreed to submit for the approval of their respective authorities the two Agreements in the form of an exchange of letters to this end, as well as a draft Agreement in the form of an exchange of letters providing for the provisional application of these two Agreements;

Whereas, in view of the importance to the Community fishermen of early application of the said Agreements, it is appropriate that the Community agree to sign the two Agreements concerning fisheries, and approve the Agreement providing for their provisional entry into force on the basis of Article 103 of the Treaty, pending final approval of the two Agreements concerning fisheries on the basis of Article 43 of the Treaty;

HAS DECIDED AS FOLLOWS:

(1) OJ No L

Article 1

The Agreement in the form of an exchange of letters providing for the provisional application of:

- the Agreement in the form of an exchange of letters between the European Economic Community and the Government of Canada concerning the extension of their Agreement on Fisheries, and
 - the Agreement in the form of an exchange of letters between the European Economic Community and the Government of Canada concerning Salmon Fishing,
- is hereby approved on behalf of the Community.

The text of the Agreement, as well as that of the two Agreements concerning fisheries to which it refers, is annexed to this Decision.

Article 2

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement for the purpose of binding the Community.

Done at Brussels,

1979.

For the Council
The President

Agreement in the form of an exchange of letters providing for the provisional application of two Agreements concerning fisheries in the form of exchanges of letters between the European Economic Community and the Government of Canada.

Sir,

With reference to the Agreement In The Form Of An Exchange Of Letters Between The European Economic Community And The Government Of Canada Concerning The Extension Of Their Agreement On Fisheries, and the Agreement In The Form Of An Exchange Of Letters Between The European Economic Community And The Government Of Canada Concerning Salmon Fishing, both of which have been signed today, I have the honour to propose that these Agreements shall be provisionally applied from this date.

I would draw your attention to the fact that this letter will be published in the Official Journal of the European Communities in the six official languages of the Community, all versions being equally authentic.

I would be obliged if you would kindly let me know that your Government is in agreement with the foregoing.

For the European Economic Community

Agreement In The Form Of An Exchange Of Letters
Between The European Economic Community And The Government of Canada
Concerning The Extension Of Their Agreement On Fisheries

Sir,

I have the honour to refer to the Agreement On Fisheries Between The European Economic Community And The Government Of Canada, done at Brussels, June 28, 1979.

In order to meet the interests of both the European Economic Community and the Government of Canada, I have the honour to propose that the Agreement, as amended below, be valid until December 31, 1980.

With reference to Article V, paragraph four of the Agreement, I have the honour to propose that this provision be amended to read as follows:

"In the event that third party fishing causes a threat to the conservation of the living resources of the waters beyond and adjacent to the areas referred to in Article II, the two Parties agree to take cooperative action to overcome that threat"

.../2..

Mm

With reference to Article VIII, paragraph four of the Agreement, I have the honour to propose that this provision be amended to read as follows:

"The Parties agree to request that the International Council for the Exploration of the Sea conduct a scientific review of the North Atlantic Salmon stocks, pursuant to terms of reference to be developed by the two Parties, and that this review be completed and a report presented by June 30, 1980"

If this proposal is acceptable to the Government of Canada, 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.

I would draw your attention to the fact that this letter will be published in the Official Journal of the European Communities in the six official languages of the Community, all versions being equally authentic.

.../3..

MM

I would be obliged if you would kindly let me know that your Government is in agreement with the foregoing.

For the European Economic Community

**Agreement In The Form Of An Exchange Of Letters
Between The European Economic Community And The Government Of Canada
Concerning Salmon Fishing**

Sir,

With reference to the Agreement In The Form Of An Exchange Of Letters Between The European Economic Community And The Government Of Canada On Fisheries signed on this date and, in particular, to Article VIII, paragraph 3, of the Agreement thereby extended, I have the honour to confirm that for 1980 the agreed annual total catch of Atlantic salmon, west of 44 degrees west longitude, by Community vessels is limited to a maximum of 1190 metric tons. This amount will be subject to revision by agreement of the two parties taking into account any new scientific information.

I would draw your attention to the fact that this letter will be published in the Official Journal of the European Communities in the six official languages of the Community, all versions being equally authentic.

I would be obliged if you would kindly let me know that your Government is in agreement with the foregoing.

For the European Economic Community

Proposal for a Council Regulation

approving two Agreements in the form of an exchange of letters between the European Economic Community and the Government of Canada concerning fisheries.

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas it is in the Community's interest to approve the Agreement in the form of an exchange of letters between the European Economic Community and the Government of Canada concerning the extension for 1980 of their Agreement on Fisheries (1) and the Agreement in the form of an exchange of letters between the European Economic Community and the Government of Canada concerning Salmon Fishing, signed in Brussels on ;

HAS ADOPTED THIS REGULATION:

(1) OJ No. L

Article 1

The Agreement in the form of an exchange of letters between the European Economic Community and the Government of Canada concerning the extension for 1980 of their Agreement on Fisheries and the Agreement in the form of an exchange of letters between the European Economic Community and the Government of Canada concerning Salmon Fishing are approved on behalf of the Community.

The instruments referred to in the preceding paragraph are annexed to this Regulation.

Article 2

The President of the Council shall, on behalf of the Community, give the notification provided for in the said Agreements (1).

Article 3

This Regulation shall enter into force on the third day following its publication in the Official Journal of the European Communities.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at

, 1980.

For the Council
The President.

(1) The date of entry into force of the Agreement will be published in the Official Journal of the European Communities by the Secretariat General of the Council.

Agreement In The Form Of An Exchange Of Letters
Between The European Economic Community And The Government of Canada
Concerning The Extension Of Their Agreement On Fisheries

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I would draw your attention to the fact that this letter will be published in the Official Journal of the European Communities in the six official languages of the Community, all versions being equally authentic.

.../3..

MM

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For the European Economic Community

MAN

Agreement In The Form Of An Exchange Of Letters
Between The European Economic Community And The Government Of Canada
Concerning Salmon Fishing

Sir,

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I would draw your attention to the fact that this letter will be published in the Official Journal of the European Communities in the six official languages of the Community, all versions being equally authentic.

I would be obliged if you would kindly let me know that your Government is in agreement with the foregoing.

For the European Economic Community



