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Conformément au règlement (CEE, Euratom) n° 354/83 du Conseil du 1er février 1983 concernant l'ouverture au public des archives historiques de la Communauté économique européenne et de la Communauté européenne de l'énergie atomique (JO L 43 du 15.2.1983, p. 1), tel que modifié par le règlement (CE, Euratom) n° 1700/2003 du 22 septembre 2003 (JO L 243 du 27.9.2003, p. 1), ce dossier est ouvert au public. Le cas échéant, les documents classifiés présents dans ce dossier ont été déclassifiés conformément à l'article 5 dudit règlement.

In accordance with Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community (OJ L 43, 15.2.1983, p. 1), as amended by Regulation (EC, Euratom) No 1700/2003 of 22 September 2003 (OJ L 243, 27.9.2003, p. 1), this file is open to the public. Where necessary, classified documents in this file have been declassified in conformity with Article 5 of the aforementioned regulation.

In Übereinstimmung mit der Verordnung (EWG, Euratom) Nr. 354/83 des Rates vom 1. Februar 1983 über die Freigabe der historischen Archive der Europäischen Wirtschaftsgemeinschaft und der Europäischen Atomgemeinschaft (ABl. L 43 vom 15.2.1983, S. 1), geändert durch die Verordnung (EG, Euratom) Nr. 1700/2003 vom 22. September 2003 (ABl. L 243 vom 27.9.2003, S. 1), ist diese Datei der Öffentlichkeit zugänglich. Soweit erforderlich, wurden die Verschlussachen in dieser Datei in Übereinstimmung mit Artikel 5 der genannten Verordnung freigegeben.

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(83) 768 final

Brussels, 14 December 1983

PROPOSAL FOR A COUNCIL DECISION

ON THE CONCLUSION OF AN AGREEMENT IN THE FORM OF AN
EXCHANGE OF LETTERS BETWEEN THE EUROPEAN ECONOMIC
COMMUNITY AND THE GOVERNMENT OF CANADA CONCERNING THEIR
FISHERIES RELATIONS

(submitted to the Council by the Commission)

107
Bureau du Secré.
Général

COM(83) 768 final

EXPLANATORY MEMORANDUM

1. The difficulties encountered in 1982 and early 1983 in the implementation of the Agreement on Fisheries concluded in December 1981, between the European Economic Community and the Government of Canada and the Agreement in the form of the Exchange of Letters referring to it, were discussed between the two parties to find a mutually satisfactory solution to these problems. These discussions have led to a new draft agreement in the form of an Exchange of Letters dated 1 January 1984. Two aides-memoires, which will not be published, are associated with that agreement.

The main provisions set out in the Agreement are the following:

- the appointment of an official fisheries representative of the Community in Canada not later than 31 March 1984;
 - the fixation of conversion factors, which are intended to be maintained for the duration of the Agreement, except in case of alterations in production technology or in product types; consultations would then be held between the Community and Canada and the changes would be fixed annually before 30 September prior to the commencement of the fishing season;
 - the acceptance by the Community of a single rate of 4% for frozen cod fillets.
2. The practical terms of the Agreement are fixed in the two aides-memoires. The aide-memoire which is to be sent by the Commission to the Canadian authorities sets out the system for administering tariff quotas opened by the Community for the benefit of Canada; it also ensures that a package of frozen cod fillets weighing no less than 4 kilograms for the years 1984, 1985, 1986 and no less than 2 kilograms for 1987, would meet the "end-use" requirement and that a Member State may not require customs deposits until 90% of its share of the tariff quotas has been utilised. The Council's approval of the contents of that aide-memoire is necessary since the Council will be invited later to adopt an implementation regulation on the basis of Article 113 of the Treaty.

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Moreover, a Canadian aide-memoire fixes the administration of licences granted to the Community vessels in Canadian fishing waters.

3. On the basis of the above mentioned, the Commission invites the Council:

- to adopt the decision, the draft of which is attached;
- to adopt the contents of the aide-memoire concerning the administration of tariff quotas opened by the Community for the benefit of Canada, which the Commission intends to send to the Canadian Government;
- to take note of the contents of the aide-memoire on the Canadian regulations governing fishing by Community vessels in Canadian waters which the Mission of Canada will address to the Commission.

PROPOSAL FOR COUNCIL DECISION (EEC) ON THE CONCLUSION OF AN
AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS BETWEEN THE EUROPEAN
ECONOMIC COMMUNITY AND THE GOVERNMENT OF CANADA 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 proposal from the Commission,

Whereas the Agreement on fisheries between the EEC and the Government of
Canada was signed on 30 December 1981,

Whereas the Agreement in the form of an Exchange of Letters between the
European Economic Community and the Government of Canada concerning their
fisheries relations was signed on 30 December 1981,

Whereas the Community and the Government of Canada have consulted each
other on the subject of the implementation of their Agreements,

Whereas, resulting from these consultations, the parties have agreed on a
text in the form of an Exchange of Letters having as its objective the
mutually satisfactory implementation of the Agreement and supplementing the
Agreement in the form of an Exchange of Letters, signed on 30 December 1981,

Whereas the Agreement should be consequently approved in the form of the
resulting exchange of letters, which lays down, in the framework of the
tariff quotas, an amendment for certain fisheries products as from
1 January 1984,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an Exchange of Letters between the European
Economic Community and the Government of Canada concerning their fisheries
relations is hereby approved in the name of the Community. The text of
the Agreement is attached to this decision.

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AGREEMENT IN THE FORM OF AN
EXCHANGE OF LETTERS BETWEEN THE
GOVERNMENT OF CANADA AND THE
EUROPEAN ECONOMIC COMMUNITY
CONCERNING THEIR FISHERIES RELATIONS

1 January 1984

Sir,

With reference to the Agreement in the Form of an Exchange of Letters Between the Government of Canada and the European Economic Community Concerning their Fisheries Relations signed on 30 December 1981, hereinafter referred to as the Agreement, I have the honour to confirm that the undertakings contained therein shall continue in effect subject to the understandings set forth in the following paragraphs with regard to the application of the Agreement.

In order to enable the mutually satisfactory implementation of the Agreement, the two parties agree as follows:

(I) The Community will appoint an official fisheries representative in Canada by not later than 31 March 1984 in order to facilitate the administration of Canadian licencing procedures;

(II) The following conversion factors shall be applied to all catches of cod under the Agreement: standard fillets (skin off, pinbones in) 3.2; boneless fillets (skin off, deboned) 3.7. It is anticipated that these will remain the established conversion factors for the duration of the Agreement. However, in the event that alterations in production technology or in product types warrant the establishment of different conversion factors, in response to proposals by either Canadian or Community officials, the Canadian authorities undertake, before any changes in established conversion factors take place, to inform the Community authorities of the changes being considered. Further, the Canadian officials shall, if the Community authorities so request, consult with Community officials concerning the proposed changes. The result of such consultations will be taken into account by the Canadian authorities in determining the conversion factors subsequently established. This determination shall be made annually by 30 September prior to the commencement of the fishing season.

(III) The administration of Canadian regulations governing fishing by the Community vessels in Canadian waters in fishing zones referred to in Annex I to the Agreement shall be in conformity with the contents of the Aide-Memoire dated 1 January 1984, received by the Commission of the European Communities from the Mission of Canada to the European Communities.

(IV) Under Common Customs Tariff item 03.01.B.II.b)1, the tariff quotas for cod fillets frozen of the species gadus morhua, North Atlantic cod, referred to in Annex II to the Agreement are as follows (in tonnes):

<u>Rate</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>
4 Percent	19,000	21,000	22,000	24,000

(V) The administration of certain tariff quotas referred to in Annex II to the Agreement shall be in conformity with the contents of the Aide-Memoire dated 1 January 1984 received by the Mission of Canada to the European Communities from the Commission of the European Communities.

(VI) Within 45 days of the completion of each quarter, the Community shall provide to the Canadian Government quarterly data on the utilization of tariff quotas by product for each major market in the Community specified from time to time by Canada.

I have the honour to propose that this Letter, which is equally authentic in English and French, and your reply shall constitute an Agreement between the European Economic Community and the Government of Canada which shall enter into force on 1 January 1984.

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AIDE MEMOIRE

The Directorate General for Fisheries of the Commission of the European Communities refers to the Exchange of Letters dated 1 January 1984 concerning the mutually satisfactory implementation of the Agreement in the form of an Exchange of Letters signed on 30 December 1981.

It has the honour to inform the Canadian authorities that the Community will apply the following mechanisms as regards the administration of tariff quotas for round frozen cod and redfish and for frozen cod fillets as referred to in Annex II of the above-mentioned Agreement:

1. From 1 January and until 31 December of each year during which the Agreement is applied (1984, 1985, 1986, 1987), tariff quotas will be opened by the Community as follows:

- 6,000 tonnes with a duty of 3.7 percent for redfish (*Sebastes spp*) frozen, round and cod of the species *Gadus morhua*, frozen, round, falling respectively under subheadings ex 03.01.B.I.f)2 and ex 03.01.B.I.h)2 of the Common Customs Tariff and intended to undergo one of the treatments authorized under the provisions set out in footnotes (1) and (2) of Annex II of the Agreement;
- 19,000 tonnes with a duty of 4 percent for frozen cod fillets of the species *Gadus morhua* falling under subheading ex 03.01.B.II.b)1 of the Common Customs Tariff and intended to undergo one of the treatments authorized under the provisions set out in footnotes (1) and (2) of Annex II of the Agreement. The quantities under tariff quota (19,000 tonnes for 1984) will be increased to 21,000 tonnes for 1985, 22,000 tonnes for 1986 and 24,000 tonnes for 1987.

2. The products listed under point 1, indent 2 of this aide memoire, presented in individual fillets in immediate packing weighing not less than 4 kilograms in 1984, 1985 and 1986 and weighing not less than 2 kilograms in 1987 are considered as meeting the end-use requirement in footnote (2) of Annex II to the Agreement and no further "end use" procedures or requirements will apply to the tariff quotas under the Common Customs Tariff subheading ex 03.01.II.b)1 for the products listed in Annex II of the Agreement.

The benefit of the tariff quotas opened for the products falling under subheadings ex 03.01.B.I.h)2 and ex 03.01.B.II.b)1 of the Common Customs Tariff shall be reserved for products accompanied by a certificate of origin issued by the recognised authority of one of the countries of origin listed in Annex II to Council Regulation (EEC) No 3797/81 and made out in accordance with one of the specimens set out in Annex I to that Regulation, attesting that the fish from which they are obtained were fished in the North Atlantic with due respect for international conventions on the conservation and management of fishery resources. The certificate must also certify that the products presented were obtained from cod of the *Gadus morhua* species.

For the purposes of these tariff quotas, Greece shall apply customs duties calculated in accordance with the provisions of the 1979 Act of Accession.

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3. The tariff quotas listed under point 1 are divided into two instalments. The first instalment of each quota equals 95.3 percent of the total amount, of which 53 percent is allocated to the United Kingdom; the balance of 42.3 percent will be divided among the other Member States according to the distribution key applied to them for 1983, adjusted if necessary, after consultation with Canada, to take account of the development of trade flows for the products concerned.

The second instalment equals 4.7 percent of the total amount of each tariff quota and constitutes the reserve corresponding to each of these tariff quotas, on which the United Kingdom has no obligation to draw.

When a Member State has used 90 percent of the share attributed to it under the first instalment or when it has already drawn on the corresponding reserve, that Member State shall, as far as the amount of the corresponding reserve allows, draw a further share with a maximum each time of an amount of 10 percent of its initial share, and so on until the corresponding reserve is exhausted.

4. The Member States shall, not later than 1 October of each year during which the Agreement is applied, return to the reserve the unused portion of the initial shares which, on 15 September of the year in question is in excess of 20 percent of the initial volume. They may return a greater quantity if there are grounds for believing that it may not be utilised by them.

However, as regards the United Kingdom, in the event of its share not being exhausted, the return to the corresponding reserve may be effected only up to the limit of the quantities necessary to satisfy the real needs of other Member States that cannot be met by the mechanisms which are directly applicable to them.

5. Admission to benefit from tariff quotas may not be subjected by a Member State to a customs deposit as long as the effective use of the shares that have been attributed to it has not exceeded 90 percent of such shares.

Brussels, 1 January 1984

AIDE-MEMOIRE

The Canadian Mission to the European Communities refers to the Exchange of Letters on 1 January 1984 concerning the mutually satisfactory implementation of the Agreement in the form of an Exchange of Letters signed on 30 December 1981.

The Mission has the honour to inform the European Commission that the Government of Canada will apply to Community vessels the following procedures as regards the administration of Canadian regulations governing fishing by foreign vessels in Canadian waters in fishing zones referred to in Annex I to the above-mentioned Agreement:

1. Average daily catch rates for Community vessels will be fixed annually by the Canadian authorities, by 30 September prior to the commencement of the fishing season, following consultation between the Community and Canadian authorities at the request of either side and taking into account the results of these consultations. Should it become clear during the course of the fishing season that the catch rates as fixed would not permit Community vessels to utilize fully their quotas, further consultations will take place, if the Community so requests, to consider the adjustment of the catch rates for the remainder of the fishing season;

2. Any amendments to fishing licences on board Community vessels necessitated by changes in fishing conditions will be made by the Canadian authorities as rapidly as possible, with the aim of issuing such amendments, where necessary, within five working days of receipt of the requisite applications for amendments. Movement of Community vessels from one Canadian fishing zone to another may take place immediately after receipt on the vessel of a telexed copy of the amendment;

3. In circumstances regarded by the Canadian authorities as exceptional, a Community vessel will be authorized by telex to fish for a period of time (the duration to depend on the circumstances) without having its licence on board. Before entering the Canadian fishing zone the vessel must have on board this telex and a telex providing the details of its licence;

4. a) In principle, one observer will be on board each Community vessel. If necessary, and if facilities on board allow, additional observers will occasionally be placed on board for specified purposes;

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- b) If there is disagreement between Canadian authorities and the Captain of a Community vessel as to the level of the catch, and action is then taken by the Canadian authorities pursuant to Canadian regulations, the appropriate Community authorities will be informed of the disagreement and of the consequent action taken;
- c) In the event that an inspection of a Community vessel takes place and the Inspector concludes that there is a discrepancy between the figures recorded in the vessel's logs and his own estimate sufficient to require further action pursuant to Canadian regulations the Inspector shall inform the Captain of the Inspector's estimated figures.

Brussels, 1 January 1984