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COM (82)14

Vol. 1982/0008

Historical Archives of the European Commission

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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

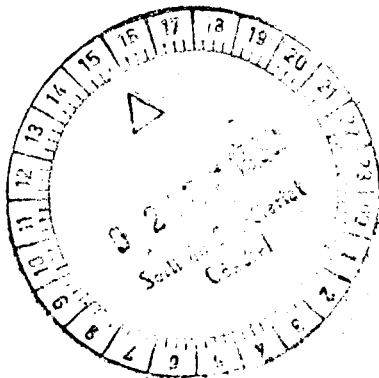
COM(82) 14 final

Brussels, 29 January 1982

Proposal for a
COUNCIL DECISION

on the conclusion of the Agreement between the European Economic Community and the Government of the Republic of Senegal amending the Agreement on Fishing Off the Coast of Senegal signed on 15 June 1979, the Protocol and the Exchanges of Letters referring thereto

(submitted to the Council by the Commission)



COM(82) 14 final

EXPLANATORY MEMORANDUM

The attached agreement represents the outcome of the negotiations with Senegal on the extension of the fisheries agreement which has been in force since 15 June 1979.

The aim of this proposal is the definitive approval of the agreement already provisionally applied in accordance with Council Decision 81/1055/EEC of 21 December 1981. (1)

The justification given in COM (81) 736, and also the financial memorandum attached to it, are therefore valid for this proposal.

(1) O.J. No L 379 of 31.12.1981

PROPOSAL FOR A COUNCIL DECISION

ON THE CONCLUSION OF THE AGREEMENT BETWEEN THE EUROPEAN ECONOMIC COMMUNITY AND THE GOVERNMENT OF THE REPUBLIC OF SENEGAL AMENDING THE AGREEMENT ON FISHING OFF THE COAST OF SENEGAL SIGNED ON 15 JUNE 1979, THE PROTOCOL AND THE EXCHANGES OF LETTERS REFERRING THERETO

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 the Community and Senegal have conducted negotiations in accordance with the second paragraph of Article 17 of the abovementioned Agreement, in order to determine the amendments or additions to be made to the Annexes or to the Protocol referred to in Article 9 thereof ;

Whereas, following these negotiations, a draft agreement amending the fisheries agreement between the Community and the Republic of Senegal and a protocol were signed on 21 January 1982;

Whereas it is in the Community's interest to approve that Agreement ;

Whereas the conclusion of this Agreement renders nugatory Council Decision 81/1055 /EEC of 21 December 1981 on the conclusion of an Agreement in the form of an exchange of letters providing for provisional application of the Agreement between the Government of the Republic of Senegal and the European Economic Community amending the Agreement on fishing off the coast of Senegal, and of the Protocol thereto⁽¹⁾,

HAS DECIDED AS FOLLOWS:

(1) O.J. No L 379 of 31.12.1981, p. 64

Article 1

The Agreement between the European Economic Community and the Government of the Republic of Senegal amending the Agreement on fishing off the coast of Senegal signed on 15 June 1979, the Protocol, and the exchange of letters referring thereto, are approved on behalf of the Community.

The texts referred to in the first paragraph are annexed to this Decision.

Article 2

The President of the Council shall give the notification provided for in Article 2 of the Agreement.¹

Article 3

Decision 81/1055/EEC is hereby repealed with effect from the date of entry into force of the Agreement.

Done at

For the Council
THE PRESIDENT

¹The Secretariat-General of the Council will publish in the Official Journal of the European Communities the date of entry into force of the Agreement.

ANNEX

AGREEMENT
BETWEEN THE EUROPEAN ECONOMIC COMMUNITY
AND THE GOVERNMENT OF THE REPUBLIC OF SENEGAL
AMENDING THE AGREEMENT ON FISHING OFF THE COAST
OF SENEGAL, SIGNED ON 15 JUNE 1979

ARTICLE 1

The Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal is hereby amended as follows:

- I. Article 4(4) shall be deleted.
- II. The second sub-paragraph of Article 5(2) shall be worded as follows:
"The amounts payable and the method of payment are set out in Annex I.A."

The third sub-paragraph of the said Article 5(2) shall be deleted.

- III. In Annex I.A., paragraphs 1, 2 and 3 shall be worded as follows:

"A. Licence application and issuing formalities

The procedures for applications for and issue of licences enabling vessels flying the flags of Member States of the Community to fish in Senegalese waters shall be as follows:

- 1.1 The competent Community authorities must present to the competent Senegalese authorities (SEPM) ⁽¹⁾ an application for each vessel that wishes to fish under the Agreement.

⁽¹⁾ Secrétariat d'Etat à la Pêche Maritime (State Secretariat for Sea Fisheries)

- 1.2. The application shall be made on the forms provided for that purpose by the Government of Senegal. A specimen is attached hereto.
- 1.3. The technical services of the State Secretariat for Sea Fisheries shall inform the delegation of the Commission of the European Communities in Dakar as soon as the amount has been established permitting the vessel owner to pay the fees.

After payment of the fee, the licence shall be signed and forwarded to the delegation of the Commission of the European Communities in Dakar.

If within two weeks of notification of the amount due, the fee has not been paid, the Community may make new applications for licences for the tonnage concerned.

- 1.4. Licences shall be valid from the date of issue until 31 December of the year in which they were issued.
- 1.5. However, trawlers which are not obliged to land their entire catch in Senegal may, within the limits laid down by the Protocol establishing fishing rights and compensation, obtain special licences valid for not more than four months.

1.6. The fees are set according to the following scale:

(a) trawlers landing their entire catch:

CFAF 8,500 per gross register ton per
year for shrimp boats

CFAF 7,500 per gross register ton per
year for fish boats

(b) trawlers not landing their entire catch
and fishing throughout the year:

CFAF 17,000 per gross register ton per
year for shrimp boats

CFAF 15,000 per gross register ton per
year for fish boats

(c) freezer trawlers not landing their entire
catch and fishing for a four month period
between 1 April and 30 September:

CFAF 10,500 per gross register ton

(d) tuna boats landing their entire catch:

CFAF 2 per kg of fish caught.

(e) tuna boats not landing their entire
catch:

CFAF 6 per kg of fish caught.

2. The fee shall be set for one year irrespective of the period for which the licence is valid, with the exception of:

(a) the special licences referred to under 1.5.;

(b) licences issued pursuant to paragraph 3;

(c) the case mentioned in Article 4(6) of the Agreement.

3. For licences issued at the beginning of the period of validity of the Protocol establishing fishing rights and compensation, and for licences valid until the expiry date of the said Protocol, the fee shall be in proportion to the period for which the licence is valid."

IV. Annex I.D. shall be worded as follows:

"D. Training grants and scientific programme

The two Parties agree that an essential condition for the success of their cooperation is that the competence and know-how of persons engaged in sea fishing should be improved. To this end, the Community shall make it easier for Senegalese nationals to find places in establishments in its Member States and shall provide 10 study and training grants for a five year period in the various scientific, technical and economic disciplines connected with fisheries."

V. The following point shall be added to Annex I:

"F. Signing on of observers

1. When fishing in Senegalese waters, freezer trawlers flying the flags of Member States of the Community shall accept observers designated by Senegal. The captain shall facilitate the work of the observer who shall be eligible for the facilities provided for the officers of the vessel concerned.
2. The Senegalese authorities shall communicate to the Commission of the European Communities the names of designated observers.
3. No vessel shall be required to have more than one observer on board at one time.
4. Board and lodging shall be provided for the observer by the shipowner of the latter's expense; his meals shall be served in the officers' mess-room. He shall be lodged in the areas provided for the officers or, if this is impossible, in a living area distinct from that provided for the crew.

5. The vessel owner shall reimburse the Senegalese Government at a flat rate, including all charges, of FCFA 8,000 per day spent by the observer on board the vessel."

ARTICLE 2

This Agreement shall enter into force on the date on which the Parties notify each other of the completion of the the procedures necessary for this purpose.

PROTOCOL
ESTABLISHING THE FISHING RIGHTS AND COMPENSATION PROVIDED
FOR IN THE AGREEMENT BETWEEN
THE EUROPEAN ECONOMIC COMMUNITY AND THE
GOVERNMENT OF THE REPUBLIC OF SENEGAL
ON FISHING OFF THE COAST OF SENEGAL,
FOR THE PERIOD FROM
16 NOVEMBER 1981 TO 15 NOVEMBER 1983

THE PARTIES TO THIS PROTOCOL,

Having regard to the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal, signed on 15 June 1979 and amended by the Agreement signed on 21 January 1982,

HAVE AGREED AS FOLLOWS:

ARTICLE 1

The limits referred to in Article 4 of the abovementioned Agreement shall be set as follows:

1. Tuna boats
obliged to land their
entire catch in Senegal: 3,000 gross register
tons,
2. Trawlers
obliged to land their
entire catch in Senegal: 2,150 gross register
tons,
3. Tuna boats
not obliged to land their
entire catch in Senegal: 23,300 gross register
tons,

4. Trawlers

not obliged to land their
entire catch in Senegal

(a) for the whole year

5,000 gross register
tons,

(b) for a four-month period
between 1 April and
30 September

9,000 gross register
tons over and
above the tonnage
referred to
under (a).

ARTICLE 2

1. The compensation referred to in Article 9 of the Agreement shall be set at CFAF 2,500 million to be mobilized in two annual instalments.

2. The compensation shall be paid out in accordance with the following procedure:

- for 1/3 into an account opened in the name of the State Secretariat for Sea Fisheries,

- For 2/3 into the account of the Treasurer General of Senegal.

ARTICLE 3

Should the European Economic Community fail to make the payments provided for in this Protocol, the Agreement on fishing shall be suspended.

ARTICLE 4

The Community shall in addition contribute CFAF 100 million towards the financing of a Senegalese scientific programme. This sum shall be put at the disposal of the Centre for Oceanographic Research of Dakar - Thiaroye (CRODT) which comes under the Senegalese Institute for Agricultural Research (ISRA).

ARTICLE 5

This Protocol shall enter into force on the date on which the Parties notify one another of the completion of the procedures necessary for this purpose.
