



COMMISSION OF THE EUROPEAN COMMUNITIES

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2002/0148 (CNS)

Proposal for a

**COUNCIL REGULATION**

**on the conclusion of the Agreement in the form of an Exchange of Letters on the extension of the Protocol setting out the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Government of the Republic of Angola on fishing off the coast of Angola for the period from 3 May to 2 August 2002**

(presented by the Commission)

## **EXPLANATORY MEMORANDUM**

The Protocol to the Fisheries Agreement between the European Community and the Republic of Angola expired on 2 May 2002. Pending the conclusion of the negotiations on the amendments to be made to the Protocol to the Fisheries Agreement, the two parties have decided to extend the expired Protocol for a further three months. The extension of the Protocol was initialled by both parties on 26 April 2002 and sets out the technical and financial conditions governing the fishing activities of Community vessels in Angolan waters during the period from 3 May to 2 August 2002.

The Commission proposes, on this basis, that the Council adopt this extension of the Protocol.

A proposal for a Council Decision on the provisional application of the extension pending its definitive entry into force is the subject of a separate procedure.

Proposal for a

## COUNCIL REGULATION

**on the conclusion of the Agreement in the form of an Exchange of Letters on the extension of the Protocol setting out the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Government of the Republic of Angola on fishing off the coast of Angola for the period from 3 May to 2 August 2002**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37, in conjunction with Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission<sup>1</sup>,

Having regard to the opinion of the European Parliament<sup>2</sup>,

Whereas:

- (1) The European Community and the Republic of Angola have entered into negotiations to determine any amendments or additions to be made to the Agreement between the European Economic Community and the Government of the Republic of Angola on fishing off the coast of Angola at the end of the period of application of the Protocol annexed thereto.
- (2) During the negotiations, the two Parties decided to extend the current Protocol for three months by means of an Agreement in the form of an Exchange of Letters initialled on 26 April 2002, pending the conclusion of the negotiations on the amendments to be made to the Protocol.
- (3) It is in the Community's interest to approve that extension.
- (4) The allocation of the fishing opportunities among the Member States under the expired Protocol should be confirmed,

HAS ADOPTED THIS REGULATION :

### *Article 1*

The Agreement in the form of an Exchange of Letters concerning the extension of the Protocol setting out the fishing opportunities and the financial contribution provided for in the

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<sup>1</sup> OJ C

<sup>2</sup> Opinion delivered on ..... (not yet published in the Official Journal).

Agreement between the European Economic Community and the Government of the Republic of Angola on fishing off the coast of Angola for the period from 3 May to 2 August 2002 is hereby approved on behalf of the European Community.

The text of this Agreement is attached to this Regulation.

## Article 2

The fishing opportunities established *pro rata temporis* by Article 1 shall be allocated among the Member States as follows:

- shrimp vessels:
  - Spain: 6 550 GRT per month, averaged over the year, 22 vessels;
- demersal fishing vessels:
  - Spain 1 650 GRT per month, averaged over the year,
  - Portugal: 1 000 GRT per month, averaged over the year,
  - Italy 650 GRT per month, averaged over the year,
  - Greece 450 GRT per month, averaged over the year,
- freezer tuna seiners:
  - France: 7 vessels
  - Spain 11 vessels
- surface longliners:
  - Portugal: 5 vessels
  - Spain 20 vessels
- pelagic fishing vessels:
  - Ireland 2 vessels.

If licence applications from these Member States do not cover all the fishing opportunities fixed by the Protocol, the Commission may consider licence applications from any other Member State.

*Article 3*

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

Done at ..., ...

*For the Council  
The President*

## AGREEMENT

**in the form of an Exchange of Letters on the extension of the Protocol setting out the fishing opportunities and the financial contribution provided for in the agreement between the European Economic Community and the Government of the Republic of Angola on fishing off the coast of Angola for the period from 3 May to 2 August 2002**

### A. Letter from the Community

Sirs,

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 Angola and the European Economic Community, pending the conclusion of the negotiations on a new Protocol:

1. The arrangements applicable over the last two years will be extended for the period from 3 May to 2 August 2002. The Community's financial contribution under the interim arrangements will correspond *pro rata temporis* to that provided for in Article 2 of the Protocol currently in force. Payment will be made no later than 31 December 2002.
2. During the interim period, licences will be issued within the limits laid down in Article 1 of the Protocol currently in force on payment of fees or advances corresponding *pro rata temporis* to those laid down in point 2 of Annex A to the Protocol. The maximum catches laid down for shrimp vessels in Article 1 of the Protocol currently in force will apply *pro rata temporis* during the interim period.

I should be obliged if you would acknowledge receipt of this letter and confirm the agreement of the Government of the Republic of Angola with its contents.

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

On behalf of the European Community,

B. Letter from the Government of the Republic of Angola

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 Angola and the European Economic Community, pending the conclusion of the negotiations on a new Protocol:

1. The arrangements applicable over the last two years will be extended for the period from 3 May to 2 August 2002. The Community's financial contribution under the interim arrangements will correspond *pro rata temporis* to that provided for in Article 2 of the Protocol currently in force. Payment will be made no later than 31 December 2002.
2. During the interim period, licences will be issued within the limits laid down in Article 1 of the Protocol currently in force on payment of fees or advances corresponding *pro rata temporis* to those laid down in point 2 of Annex A to the Protocol. The maximum catches laid down for shrimp vessels in Article 1 of the Protocol currently in force will apply *pro rata temporis* during the interim period.

I should be obliged if you would acknowledge receipt of this letter and confirm the agreement of the Government of the Republic of Angola with its contents.”

I have the honour to confirm that the Government of the Republic of Angola accepts the proposed arrangements 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 the Republic of Angola,

## LEGISLATIVE FINANCIAL STATEMENT

**Policy area(s): External aspects of certain Community policies**

**Activit(y)ies: International Fisheries Agreements**

**TITLE OF OPERATION: EXTENSION OF PROTOCOL ESTABLISHING THE FISHING OPPORTUNITIES AND FINANCIAL CONTRIBUTION UNDER THE EC/ANGOLA FISHERIES AGREEMENT**

### **1. BUDGET LINE(S) + HEADING(S)**

B78000: International Fisheries Agreements

### **2. OVERALL FIGURES**

**2.1 Total allocation for action (Part B):** EUR 3 493 750 for commitment/payment

**2.2 Period of application:** 3.5.2002 to 2.8.2002

**2.3 Overall multiannual estimate of expenditure:** EUR 3 493 750

(a) Schedule of commitment appropriations/payment appropriations (financial intervention)  
(see point 6.1.1)

EUR million (to three decimal places)

	Year n	n + 1	n + 2	n + 3	n + 4	n + 5 and subs. years	Total
Commitments	3.494	---	---	---	---	---	3.494
Payments	3.494	---	---	---	---	---	3.494

(b) Technical and administrative assistance and support expenditure(see point 6.1.2)

Commitments							
Payments							

Subtotal a+b							
Commitments	3.494						3.494
Payments	3.494						3.494

(c) Overall financial impact of human resources and other administrative expenditure(see points 7.2 and 7.3)

Commitments/ payments	0.315						0.315
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TOTAL a+b+c							
Commitments	3.809						3.809
Payments							

## 2.4 Compatibility with financial programming and the financial perspective

Proposal compatible with existing financial programming.

This proposal will entail reprogramming of the relevant heading in the financial perspective.

This may entail application of the provisions of the Interinstitutional Agreement.

## 2.5 Financial impact on revenue:

No financial implications (involves technical aspects regarding implementation of a measure)

OR

Financial impact - the effect on revenue is as follows:

*(NB All details and observations relating to the method of calculating the effect on revenue should be shown in a separate annex.)*

EUR million (to one decimal place)

		Prior to action (Year n-1)	Situation following action					
Budget line	Revenue		Year n <sup>3</sup>	n+1	n+2	n+3	n+4	n+5
	a) <i>Revenue in absolute terms</i> <sup>1</sup>							
	(b) <i>Change in revenue</i> <sup>2</sup>	Δ						

*(Please state each budget line involved, adding the appropriate number of rows to the table if there is an effect on more than one budget line)*

## 3. BUDGET CHARACTERISTICS

Type of expenditure		New	EFTA participation	Participation applicant countries	Heading in financial perspective
Comp.	Diff.	NO	NO	NO	No [...]

## 4. LEGAL BASIS

Article 37 of the Treaty, in conjunction with Article 300(2) and the first subparagraph of Article 300(3).

## **5. DESCRIPTION AND GROUNDS**

### **5.1 Need for Community intervention**

#### *5.1.1. Objectives pursued*

The Protocol to the Fisheries Agreement between the European Community and the Republic of Angola expired on 2 May 2002. Under the Agreement between the European Economic Community and the Government of the Republic of Angola on fishing off the coast of Angola, the Community and the Republic of Angola entered into negotiations to determine the amendments or additions to be made to the Agreement at the end of the period of application of the Protocol. Since it was not possible to conclude the negotiations before the previous Protocol expired, the two parties have decided to extend the current Protocol for a further three months, by means of an Agreement in the form of an Exchange of Letters which was initialled on 26 April 2002. The purpose of this extension is to allow Community shipowners to continue fishing in Angola's exclusive economic zone (EEZ) pending the conclusion of the negotiations on the amendments to be made to the Protocol.

#### *5.1.2. Measures taken in connection with ex-ante evaluation*

Since this proposal is for the extension of the existing Protocol for three months without modification of the technical and financial elements, while the negotiations on a new Protocol are ongoing, no specific ex-ante evaluation for the proposed extension has been carried out. The satisfying use of the previous protocol (see point 5.1.3. below) and the expected rapid conclusion of the new one justify the proposed limited extension of the Protocol 2000-02. Negotiations for a new Protocol are expected to be concluded by the end of June 2002, and an *ex-ante* assessment of the outcome will be presented when the new draft Protocol is proposed to the Commission for adoption.

#### *5.1.3. Measures taken following ex -post evaluation*

The 2000-02 Protocol has been evaluated by the relevant departments of the Commission's Directorate-General for Fisheries. The evaluation shows that utilisation in terms of issue of licences was highly satisfactory for shrimp and tuna vessels (100%). Utilisation was good in terms of monthly GRT for demersal vessels (72%). However, the two pelagic licences for experimental fishing were not used.

The satisfactory use of utilisation of the fishing opportunities under the 2000-02 Protocol justifies the negotiations for a new Protocol. The strategy for the negotiations for a new Protocol will include an increase in the proportion of the financial compensation earmarked for targeted actions linked to the development of the fisheries sector in Angola, and the improved follow-up of these targeted actions given Angola's past reluctance to supply the relevant information.

### **5.2 Actions envisaged and arrangements for budget intervention**

The extension of the current Protocol enables Community fishermen to continue to fish in waters over which Angola has sovereignty or jurisdiction from 3 May 2002 to 2 August 2002.

The Community will thus pay a total financial contribution of EUR 3 493 750 (as compared with EUR 13 975 000 per year under the 2000-02 Protocol). Angola will have discretion regarding the use to which the financial compensation is put.

It should be remembered that the guidelines laid down by the Council for negotiating fisheries agreements with ACP States specify that account must be taken of the Community's interest in maintaining or establishing fisheries relations with the countries concerned.

### 5.3 Methods of implementation

The Commission has sole responsibility for implementing the Protocol and will do so through its officials posted in both Brussels and its Delegation in Angola.

## 6. FINANCIAL IMPACT

### 6.1 Total financial impact on Part B (over the entire programming period)

#### 6.1.1. Financial intervention

Commitments in EUR million (*to three decimal places*)

Breakdown	Year n	n + 1	n + 2	n + 3	n + 4	n + 5 and subs. years	Total
Action 1							
Action 2							
Etc.							
<b>TOTAL</b>							

#### 6.1.2 Technical and administrative assistance, support expenditure and IT expenditure (commitment appropriations)

	Year n	n + 1	n + 2	n + 3	n + 4	n + 5 and subs. years	Total
(1) Technical and administrative assistance							
(a) Technical assistance offices							
(b) Other technical and administrative assistance: - intra-muros: - extra-muros: <i>of which for construction and maintenance of computerised management systems</i>							
Subtotal 1							
(2) Support expenditure							
(a) Studies							
(b) Meetings of experts							
(c) Information and publications							
Subtotal 2							
<b>TOTAL</b>							

## 6.2. Calculation of costs by measure envisaged in Part B (over the entire programming period)

Commitments in EUR million (to three decimal places)

Breakdown	Type of outputs (projects, files)	Number of outputs (total for years 1...n)	Average unit cost	Total cost (total for years 1...n)
	1	2	3	4=(2X3)
<u>Action 1</u> - Measure 1 - Measure 2 <u>Action 2</u> - Measure 1 - Measure 2 - Measure 3 Etc.	Fishing opportunities in exchange for a financial contribution	22 shrimp vessels (6 550 GRT per month) + demersal vessels (3 750 GRT per month) + 43 tuna vessels + 2 pelagic vessels		EUR 3 493 750/3 months
<b>TOTAL COST</b>				

## 7. IMPACT ON STAFF AND ADMINISTRATIVE EXPENDITURE

The requirements for human and administrative resources must be covered from the administering DG's allocation.

### 7.1. Impact on human resources

Types of post	Staff to be assigned to management of the action using existing and/or additional resources		Total	Description of tasks deriving from the action	
	Number of permanent posts	Number of temporary posts			
Officials or temporary staff	A B C	6 1 2		6 1 2	These human resources cover the entire unit responsible for bilateral agreements.
Other human resources		1 DNE + 1 AUX A + 1 AUX C	3		
<b>Total</b>		9	3	12	

### 7.2 Overall financial impact of human resources

Type of human resources	Amount in EUR	Method of calculation *
Officials Temporary staff	972 000	EUR 108 000 * 9 (title A1, A2, A4, A5, A7)
Other human resources (Budget lines A-7000 and A-7003)	176 982	EUR 42 816 (DNE) + EUR 91 824 (AUX A) + EUR 42 252 (AUX C)
<b>Total</b>	<b>1 148 892</b>	

The amounts are total expenditure for twelve months.

### 7.3 Other administrative expenditure deriving from the action

Budget line (Number and heading)	Amount in EUR	Method of calculation
<b>Overall allocation (Title A7)</b>		
A0701 – Missions	111 000	Mission allocation for 2002 for the unit responsible for bilateral agreements (see point 7.1)
A07030 – Meetings	0	
A07031 – Compulsory committees <sup>(1)</sup>	0	
A07032 – Non-compulsory committees <sup>(1)</sup>	0	
A07040 – Conferences	0	
A0705 – Studies and consultations		
Other expenditure (state which)		
<b>Information systems (A-5001/A-4300)</b>		
<b>Other expenditure - Part A</b> (state which)		
Total	111 000	

The amounts are total expenditure for twelve months.

<sup>(1)</sup> Specify the type of committee and the group to which it belongs.

I.	Annual total (7.2 + 7.3)	EUR 1 259 892
II.	Duration of action	3 month period
III.	Total cost of action (I : 12 x 3)	EUR 314 973

## 8. FOLLOW-UP AND EVALUATION

### 8.1 Follow-up arrangements

The Angolan State has sole responsibility for the use to which the financial contribution under this extension is put (EUR 3.494 million for three months).

Utilisation of the fishing opportunities is under permanent assessment in terms of both licences issued and catches.

### 8.2 Arrangements and schedule for the planned evaluation

Since the proposal is for the extension of the existing Protocol for three months without modification of the technical and financial elements, no specific intermediate or ex-post evaluation is foreseen for the proposed measure. In the case of a successful outcome of the negotiations for a new Protocol, the arrangements for intermediate and/or ex post evaluation for the new Protocol will also cover the very short period concerned by this proposal. Detailed arrangements and schedule for intermediate/ex post evaluation will be presented when the new draft Protocol is proposed to the Commission for adoption.

## 9. ANTI-FRAUD MEASURES

Since the financial contributions are made by the Community in direct exchange for the fishing opportunities offered, the non-member country uses them for whatever end it chooses.

The Member States whose vessels operate under this Agreement must certify to the Commission the exactness of the data indicated in the tonnage certificates of the vessels so that the licence fees may be calculated on a guaranteed basis.

The extended Protocol also requires Community shipowners to fill out catch statements (which must be transmitted to the Commission and the Angolan authorities) which then serve as the basis for drawing up the final statement of catches under the Protocol and the corresponding fees.