

COUNCIL DECISION

of 11 December 1986

on the conclusion of an Agreement in the form of an Exchange of Letters concerning the provisional application of the Agreement amending the Agreement between the European Economic Community and the Government of the Republic of Equatorial Guinea on fishing off the coast of Equatorial Guinea, signed at Malabo on 15 June 1984 for the period starting on 27 June 1986

(86/636/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 155 (2) (b) and Article 167 (3) thereof,

Having regard to the Agreement between the European Economic Community and the Government of the Republic of Equatorial Guinea, on fishing off the coast of Equatorial Guinea⁽¹⁾, signed at Malabo on 15 June 1984,

Having regard to the proposal from the Commission,

Whereas, pursuant to Article 12 of the Agreement on fishing off the coast of Equatorial Guinea, the Community and the Republic of Equatorial Guinea conducted negotiations to determine the amendments or additions to be made to the Agreement at the end of the first three-year period of application of the Agreement;

Whereas, as a result of those negotiations, an Agreement amending the Agreement was initialled on 25 June 1986;

Whereas, under that Agreement, fishermen from the enlarged Community retain the fishing opportunities open to them in the waters under the sovereignty or jurisdiction of the Republic of Equatorial Guinea;

Whereas under the terms of Article 155 (2) (b) of the Act of Accession, it is for the Council to determine the procedures appropriate to take into consideration all or part of the interests of the Canary Islands when it adopts decisions, case by case, particularly with a view to the conclusion of fisheries agreements with third countries; whereas, in the case in point, the procedures in question should be determined;

Whereas, in order to avoid any interruption in the fishing activities of Community vessels, it is indispensable that the draft Agreement in question be approved as soon as

possible; for this reason, the two parties initialled an Agreement in the form of an Exchange of Letters providing for the provisional application of the initialled draft Agreement from the date of expiry of the Agreement between the European Economic Community and the Government of the Republic of Equatorial Guinea on fishing off the coast of Equatorial Guinea approved on 28 June 1984; whereas the Agreement in the form of an Exchange of Letters should be concluded subject to a definitive decision under Article 43 of the Treaty,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an Exchange of Letters concerning the provisional application of the Agreement amending the Agreement between the European Economic Community and the Government of the Republic of Equatorial Guinea on fishing off the coast of Equatorial Guinea, signed at Malabo on 15 June 1984 for the period starting on 27 June 1986, is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

With a view to taking into consideration the interests of the Canary Islands, the Agreement referred to in Article 1 and, in so far as is necessary for its application, the provisions of the common fisheries policy relating to the conservation and management of fishery resources shall also apply to vessels which sail under the flag of Spain, which are recorded on a permanent basis in the registers of the competent authorities at local level ('registros de base') in the Canary Islands, under the conditions defined in Note 6 to Annex I to Council Regulation (EEC) No 570/86 of 24 February 1986 concerning the definition of the concept of 'originating products' and methods of administrative cooperation in trade between the customs territory of the Community, Ceuta and Melilla and the Canary Islands⁽²⁾.

⁽¹⁾ OJ No L 188, 16. 7. 1984, p. 1.

⁽²⁾ OJ No L 56, 1. 3. 1986, p. 1.

Article 3

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 Brussels, 11 December 1986.

For the Council

The President

K. CLARKE
