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COM (78)743

Vol. 1978/0274

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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.

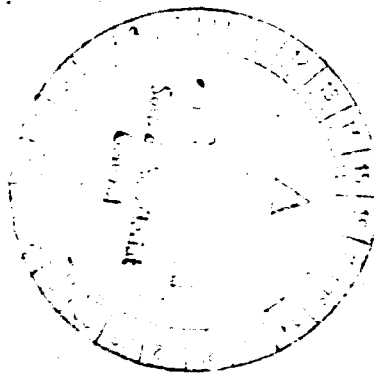
In accordance with Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community (OJ L 43, 15.2.1983, p. 1), as amended by Regulation (EC, Euratom) No 1700/2003 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(78) 743 final

Brussels, 18 December 1978



PROPOSAL FOR A COUNCIL DECISION

authorizing the Republic of Italy to agree with
the Socialist Federal Republic of Yugoslavia upon
the provisional maintenance of the fishing arrangements
currently in force

(Presented by the Commission to the Council)

EXPLANATORY MEMORANDUM

1. In its Resolution of 3 November 1976 the Council noted that it was necessary to maintain through "appropriate Community agreements", the rights secured by Community fishermen in the waters of non-member countries.
2. Under the Agreement signed between Yugoslavia and Italy on 15 June 1973, fishermen who are Italian nationals are authorized to fish in certain areas of Yugoslav territorial waters, subject to financial counter-concessions from the Italian State. The Agreement expired on 31 December 1976.
3. To ensure that Italian fishermen could continue to fish in Yugoslav waters, the Council authorized Italy by its Decision of 13 December 1976, to agree with Yugoslavia on an interpretation whereby the said Agreement could be renewed until a fisheries agreement was concluded between the Community and Yugoslavia or until 31 December 1977 at the latest.
4. Following that decision the Commission has on several occasions in 1977 and 1978 invited the Yugoslav authorities to negotiate an agreement with the Community. As there was no response from the Yugoslav authorities, the Council, by its Decisions of 20 December 1977 and 21 June 1978, authorized Italy to renew the arrangements agreed with Yugoslavia in 1977, in each case for six months.
5. Since the latest Decision, the Commission has continued to urge the Yugoslav authorities to acknowledge the need to open negotiations for a fisheries agreement with the Community. Yugoslavia stated in a communication in October 1978 that it was not prepared to negotiate an agreement with the Community which would subsume the existing agreement between Italy and Yugoslavia, but that it would be willing to enter into broader-based negotiations which included cooperation on fisheries.

6. For the same reasons as those set out in paragraph 3, i.e. to prevent a break in fisheries relations with a non-member country, which would adversely affect Community fishermen, the Commission proposes that the Council authorize Italy to agree with Yugoslavia on an interpretation whereby the 1973 Agreement may be renewed until 30 June 1979.
7. When the previous Council Decisions on the renewal of the Agreement were adopted, the Council decided that the Community should bear part of the cost of the counter-concession payable under the Agreement by Italy to Yugoslavia. Up to now the Community's contribution has been based on the financial counter-concession provided for in the Agreement between Italy and Yugoslavia. According to the information available to the Commission, Yugoslavia has requested that the counter-concession be increased. The Commission considers that it is difficult for the Community to contemplate an increased financial contribution when the Community has no power to negotiate the amount. An estimate of the financial implications is given in the Annex.

PROPOSAL FOR A
COUNCIL DECISION

authorizing the Republic of Italy to agree with
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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 by its resolution of 3 November 1976 the Council agreed upon the need to ensure, through appropriate Community agreements, the securing and maintenance of fishing rights for Community fishermen in the waters of non-member countries;

Whereas by its Decision of 21 June 1978 the Council authorized the Republic of Italy to agree with the Socialist Federal Republic of Yugoslavia upon the provisional maintenance until 31 December 1978 of the fishing arrangements then in force between Italy and Yugoslavia pending the conclusion of a fisheries agreement between the Community and Yugoslavia;

Whereas it has not yet been possible to conclude such an agreement, and it therefore appears necessary, in order to avoid harming the interests of Community fishermen to extend the existing arrangements agreed between Italy and Yugoslavia for a further period;

Whereas this decision must be adopted before 31 December 1978 in order to avoid an interruption in supplies for Italian fishermen who usually fish in the Yugoslav fisheries zone, and it should therefore be immediately adopted on the basis of Article 103 of the Treaty,

HAS DECIDED AS FOLLOWS:

./.

Sole Article

The Republic of Italy is hereby authorized to agree with the Socialist Federal Republic of Yugoslavia upon the provisional maintenance until 30 June 1979 of the fisheries régime established under the agreement on fisheries between Italy and Yugoslavia of 15 June 1973.

Done at,

For the Council
The President.

FINANCIAL IMPLICATIONS

1. Under the fisheries agreement signed in 1973 between Yugoslavia and Italy, the latter paid Lit 570 million per year in 1976, 1977 and 1978 in return for the admission of one hundred trawlers into Yugoslav territorial waters. The payment for 1979 remains to be fixed by negotiation.
2. The Commission proposes that the Community's contribution to the payment to be negotiated with Yugoslavia be fixed at the same amount as in 1977, that is, for the period 1.1.79 - 30.6.79 at $0,5 \times 456 = 228$ million Lit (= 206.000 EUA at the rate of 1.12.78).
3. The Draft Budget for 1979 contains a heading covering this expenditure :
Article 890, Reimbursements in respect of certain financial obligations relating to fishing in the Adriatic.