



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 11 April 2012

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PECHE 113

COVER NOTE

from: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 11 April 2012

to: Mr Uwe CORSEPIUS, Secretary-General of the Council of the European
Union

No Cion doc.: C(2012) 2001 final

Subject: Commission Decision of 10.4.2012 on the payment of the 2009 annual
financial compensation under the Fisheries Partnership Agreement between the
European Community and the Republic of Guinea, repealing Commission
Decision C(2009)9187 of 26.11.2009

Delegations will find attached Commission document C(2012) 2001 final.

Encl.: C(2012) 2001 final



EUROPEAN COMMISSION

Brussels, 10.4.2012
C(2012) 2001 final

COMMISSION DECISION

of 10.4.2012

on the payment of the 2009 annual financial compensation under the Fisheries Partnership Agreement between the European Community and the Republic of Guinea, repealing Commission Decision C(2009)9187 of 26.11.2009

COMMISSION DECISION

of 10.4.2012

on the payment of the 2009 annual financial compensation under the Fisheries Partnership Agreement between the European Community and the Republic of Guinea, repealing Commission Decision C(2009)9187 of 26.11.2009

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Decision 473/2009/EC of 28 May 2009 concerning the conclusion of an Agreement in the form of an Exchange of Letters on the provisional application of the Fisheries Partnership Agreement between the European Community and the Republic of Guinea,

Having regard to the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Community and the Republic of Guinea on fishing off the coast of Guinea for the period from 1 January 2009 to 31 December 2012, and in particular Article 2 thereof,

Having regard to Commission Decision C(2009)9187 of 26 November 2009 on the payment of the 2009 annual financial compensation under the Fisheries Partnership Agreement between the European Community and the Republic of Guinea, in view of the political situation in Guinea, and in particular Article 2 thereof,

Having regard to Council Decision 2009/1016/EU of 22 December 2009 repealing Decision 473/2009/EC of 28 May 2009 concerning the conclusion of an Agreement in the form of an Exchange of Letters on the provisional application of the Fisheries Partnership Agreement between the European Community and the Republic of Guinea,

Having regard to Council Decision 2011/465/EU of 18 July 2011 amending the appropriate measures laid down by Council Decision 2009/618/EC concerning the conclusion of consultations with the Republic of Guinea under Article 96 of the Cotonou Agreement and repealing that Decision,

Having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities, and to Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities,

Having regard to Commission Decision No C/2009/7436 of 30 September 2009 concerning the 2009 budget appropriations under budget line 11 03 01 ('International fisheries agreements') for the implementation of the Fisheries Protocol concluded between the European Community and the Republic of Guinea,

Whereas:

- (1) The Fisheries Partnership Agreement between the European Community and the Republic of Guinea and the Protocol thereto were applied provisionally from 1 January 2009 to 22 December 2009,
- (2) A number of vessels flying the flag of European Union member states were authorised under the Agreement to fish in Guinean waters during the period of provisional application,
- (3) Guinea was notified of the Council's decision of 22 December 2009 not to conclude the Fisheries Partnership Agreement, thereby terminating its provisional application,
- (4) The termination of provisional application did not invalidate the rights that existed and the obligations that had to be performed during the period of provisional application,
- (5) Article 2 of the provisionally applied Protocol provides for the European Union to pay Guinea for the period from 1 January to 31 December 2009 an annual instalment of the financial contribution of 1 050 000 €, no later than 30 November 2009,
- (6) Article 2 of Commission Decision C(2009)9187 of 26 November 2009, which suspended the payment of the financial contribution for 2009, provides for this decision to be reconsidered in the light of the results of the consultations under Article 96 of the Cotonou Agreement,
- (7) The Council of the European Union acknowledged progress made by the Republic of Guinea in implementing the commitments set out in Council Decision 2009/618/EC of 27 July 2009, notably progress in the return to constitutional rule and the establishment of democracy, and decided to update accordingly the appropriate measures laid down by its Decision concerning the conclusion of consultations under Article 96 of the Cotonou Agreement,
- (8) The suspension of the payment of the financial contribution for 2009 should therefore be lifted and the corresponding 1 024 110 pro rata temporis should be paid,
- (9) This Decision should be brought to the attention of the Guinean authorities, the European Parliament, the Council and the Member States, so that the latter can inform the economic operators concerned accordingly,

HAS DECIDED AS FOLLOWS:

Article 1

The delegated authorising officer shall proceed with a payment *pro rata temporis*, corresponding to the period of provisional application, of the financial contribution due to be paid to Guinea for 2009.

Article 2

Commission Decision C(2009)9187 of 26.11.2009 on the payment of the 2009 annual financial compensation under the Fisheries Partnership Agreement between the European Community and the Republic of Guinea, in view of the political situation in Guinea, is hereby repealed.

Done at Brussels, 10.4.2012

For the Commission
Maria DAMANAKI
Member of the Commission