II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 8 December 2005

on the conclusion of the Agreement in the form of an Exchange of Letters on the provisional application of the Protocol setting out, for the period from 18 January 2005 to 17 January 2011, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Republic of Seychelles on fishing off Seychelles

(2005/937/CE)

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) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) The Community and Seychelles held negotiations to determine the amendments or additions to be made to the Protocol attached to the Agreement between the European Economic Community and the Republic of Seychelles on fishing off Seychelles ([1]) at the end of the period of application of the Protocol in force.

(2) As a result of these negotiations, a new Protocol was initialled on 23 September 2004.

(3) In accordance with this Protocol, Community fishermen enjoy fishing opportunities in the waters falling within the sovereignty or jurisdiction of the Republic of Seychelles for the period 18 January 2005 to 17 January 2011.

(4) In order to guarantee the continuation of fishing activities by Community vessels, it is essential that the Protocol in question be approved as quickly as possible; both Parties have therefore initialled an Agreement in the form of an Exchange of Letters providing for the provisional application of the initialled Protocol from 18 January 2005; the Agreement in the form of an Exchange of Letters should be signed, subject to its definitive conclusion by the Council.

(5) The scale for allocating the fishing opportunities among Member States should be defined on the basis of the traditional allocation of fishing opportunities under the Fisheries Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an Exchange of Letters on the provisional application of the Protocol setting out, for the period from 18 January 2005 to 17 January 2011, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Republic of Seychelles on fishing off Seychelles is hereby approved on behalf of the Community.

The text of the Agreement in the form of an Exchange of Letters and the text of the Protocol are attached to this Decision.

([1]) OJ L 119, 7.5.1987, p. 26.

Article 2

The fishing opportunities fixed in the Protocol shall be allocated among the Member States as follows:

— Tuna seiners:	Spain:	22 vessels,
	France:	17 vessels,
	Italy:	1 vessel,
— Surface long-liners:	Spain:	2 vessels,
	France:	5 vessels,
	Portugal:	5 vessels.

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

Article 3

The President of the Council is hereby authorised 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, 8 December 2005.

For the Council

The President

J. HUTTON