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II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 22 October 1990

on the conclusion of the Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol establishing, for the period 1 June 1990 to 31 May 1993, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Democratic Republic of São Tomé e Príncipe on fishing off São Tomé e Príncipe

(90/621/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) thereof,

Having regard to the Agreement between the European Economic Community and the Government of the Democratic Republic of São Tomé e Príncipe on fishing off São Tomé e Príncipe ⁽¹⁾, which entered into force on 18 April 1985,

Having regard to the proposal from the Commission,

Whereas negotiations have been held between the Community and São Tomé e Príncipe to determine the amendments or additions to be introduced into the Agreement on fishing off São Tomé e Príncipe at the end of the period of application of the Protocol;

Whereas, as a result of these negotiations, a new Protocol was initialled on 4 May 1990;

Whereas, under that Protocol, Community fishermen have fishing rights in the waters under the sovereignty or jurisdiction of São Tomé e Príncipe for the period 1 June 1990 to 31 May 1993;

Whereas, pursuant to Article 155 (2) (b) of the Act of Accession of Spain and Portugal 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,

⁽¹⁾ OJ No L 54, 25. 2. 1984, p. 1.

particularly with a view to the conclusion of fisheries agreements with third countries; whereas the case in point calls for the said procedures to be determined;

Whereas, in order to avoid any interruption in the fishing activities of Community vessels, it is essential that the new Protocol be applied as soon as possible; whereas, 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 Protocol from the day following the date of expiry of the Protocol in question; whereas the Agreement in the form of an Exchange of Letters should be approved, pending a final decision taken 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 Protocol establishing, for the period 1 June 1990 to 31 May 1993, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Democratic Republic of São Tomé e Príncipe on fishing off São Tomé e Príncipe 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 relevant authorities at local level ('registros de base') in the Canary Islands, under the conditions specified in Note 6 to Annex I to Council Regulation (EEC) No 1135/88 of 7 March 1988 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 ⁽¹⁾.

Article 3

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement in order to bind the Community.

Done at Luxembourg, 22 October 1990.

For the Council

The President

G. DE MICHELIS

⁽¹⁾ OJ No L 114, 2. 5. 1988, p. 1.

AGREEMENT

in the form of an Exchange of Letters concerning the provisional application of the Protocol establishing, for the period 1 June 1990 to 31 May 1993, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Democratic Republic of São Tomé e Príncipe on fishing off São Tomé e Príncipe

A. Letter from the Government of the Democratic Republic of São Tomé e Príncipe

Sir,

With reference to the Protocol initialled on 4 May 1990 establishing fishing rights and financial compensation for the period 1 June 1990 to 31 May 1993, I have the honour to inform you that the Government of the Democratic Republic of São Tomé e Príncipe is ready to apply this Protocol on a provisional basis, with effect from 1 June 1990, pending its entry into force in accordance with Article 7 of the said Protocol, provided that the European Economic Community is disposed to do the same.

This is on the understanding that a first instalment equal to one-third of the financial compensation specified in Article 2 of the Protocol is paid by 31 October 1990.

I should be obliged if you would confirm the European Economic Community's agreement to such provisional application.

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

*For the Government
of the Democratic Republic of São Tomé e Príncipe*

B. Letter from the European Economic Community

Sir,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows:

'With reference to the Protocol initialled on 4 May 1990 establishing fishing rights and financial compensation for the period 1 June 1990 to 31 May 1993, I have the honour to inform you that the Government of the Democratic Republic of São Tomé e Príncipe is ready to apply this Protocol on a provisional basis, with effect from 1 June 1990, pending its entry into force in accordance with Article 7 of the said Protocol, provided that the European Economic Community is disposed to do the same.

This is on the understanding that a first instalment equal to one-third of the financial compensation specified in Article 2 of the Protocol is paid by 31 October 1990.

I should be obliged if you would confirm the European Economic Community's agreement to such provisional application.'

I have the honour to confirm the European Economic Community's agreement to this provisional application of the Protocol.

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

*On behalf of the Council
of the European Communities*

PROTOCOL

establishing fishing rights and financial compensation for the period 1 June 1990 to 31 May 1993

Article 1

For a period of three years from 1 June 1990, the fishing rights granted pursuant to Article 2 of the Agreement shall be 46 freezer tuna seiners and five pole-and-line wet tuna vessels.

Article 2

1. The financial compensation referred to in Article 6 of the Agreement shall be, for the period referred to in Article 1, ECU 1 650 000, payable in three equal annual instalments.

2. The use to which this compensation is put shall be the sole responsibility of the Government of the Democratic Republic of São Tomé e Príncipe. It shall be paid into an account with the National Bank of São Tomé e Príncipe.

Article 3

1. The Community shall contribute during the period referred to Article 1 the sum of ECU 150 000 towards the financing of scientific and technical programmes to improve biological and fishery resource information as regards the exclusive economic zone of São Tomé e Príncipe.

2. These programmes shall be drawn up jointly by the competent authorities of São Tomé e Príncipe and the Community, which will, if necessary, participate in their implementation. Once the content of the programmes has been approved, they shall be financed by payments into an account indicated by the competent authorities of São Tomé e Príncipe.

3. The competent authorities of São Tomé e Príncipe shall send to the Commission of the European Communities a report on the implementation of the approved programmes and the results obtained. The Commission of the European Communities reserves the right to request any further scientific information from the authorities of São Tomé e Príncipe.

Article 4

1. The two Parties agree that improving the skills and knowledge of those involved in sea fishing is a vital element in the success of their cooperation. To that end, the Community shall:

- (a) make it easier for nationals of São Tomé e Príncipe to find places in establishments in its Member States and shall provide for that purpose awards for study and practical training in the various scientific, technical and economic disciplines relating to fisheries. These awards may also be used by any State linked to the Community by a cooperation agreement;
- (b) cover São Tomé e Príncipe's participation in the Regional Fisheries Committee for the Gulf of Guinea and ICCAT;
- (c) cover its participation in international meetings or training courses on fisheries.

2. The cost of these measures may not exceed ECU 375 000. This sum shall be paid as and when it is needed.

Article 5

Should the Community fail to make the payments provided for in Articles 2 and 3, the application of this Protocol may be suspended.

Article 6

The Annex to the Agreement between the European Economic Community and the Government of the Democratic Republic of São Tomé e Príncipe on fishing off São Tomé e Príncipe is hereby repealed and replaced by the Annex to this Protocol.

Article 7

This Protocol shall enter into force on the date on which it is signed.

It shall apply from 1 June 1990.

ANNEX

Conditions for the exercise of fishing activities by Community vessels in São Tomé e Príncipe's fishing zone

1. The procedure for applications for and issue of the licences referred to in Article 4 of the Agreement shall be as follows:

The relevant Community authorities shall present to the Ministry for Agriculture and Fisheries of São Tomé e Príncipe, via the Commission Delegation responsible for São Tomé e Príncipe, an application for each vessel that wishes to fish under the Agreement, at least 20 days before the date of commencement of the period of validity requested.

The applications shall be made on the forms provided for that purpose by the Government of the Democratic Republic of São Tomé e Príncipe, a specimen of which is attached hereto (Appendix 1).

Licences shall be issued by the São Tomé e Príncipe authorities within 20 days following submission of the application to the shipowners or their representatives via the Delegation of the Commission of the European Communities responsible for São Tomé e Príncipe.

Licences shall be issued for a specific vessel and shall not be transferable. However, where *force majeure* is proven and at the request of the Commission of the European Communities, a vessel's licence shall be replaced by a new licence for another vessel whose features are similar to those of the first vessel. The owner of the first vessel shall return the cancelled licence to the Ministry of Agriculture and Fisheries of São Tomé e Príncipe via the Delegation of the Commission of the European Communities responsible for São Tomé e Príncipe.

The new licence shall indicate:

- the date of issue,
- the fact that this licence replaces that of the first vessel, for the period of validity remaining.

In this case, no new lump sum as laid down in paragraph 5 below shall be due.

The licence must be held on board at all times.

2. Licences shall be valid for one year and shall be renewable.
3. The fees provided for in Article 4 of the Agreement shall be set at ECU 20 per tonne caught in São Tomé e Príncipe's fishing zone.
4. The competent authorities of São Tomé e Príncipe shall indicate the detailed rules for payment of the fees, in particular the bank accounts and currencies to be used.
5. Licences shall be issued following payment to the National Bank of São Tomé e Príncipe of a lump sum of ECU 1 500 for each freezer tuna seiner per year and ECU 200 for each pole-and-line tuna vessel per year, equivalent to the fees for:
 - 75 tonnes of tuna caught per freezer tuna seiner per year,
 - 10 tonnes of tuna caught per pole-and-line tuna vessel per year;

6. The final statement of the fees due for the fishing period shall be drawn up by the Commission of the European Communities at the end of each calendar year on the basis of the catch statements made for each vessel and confirmed by the competent scientific institutes, namely the French Institut de la recherche scientifique et technique d'outre-mer (Orstom) and the Instituto Español de Oceanografía (IEO).

The statement shall be forwarded simultaneously to the competent authorities of São Tomé e Príncipe and to the shipowners. Any additional payment due shall be made by the shipowners to the National Bank of São Tomé e Príncipe no later than 30 days after notification of the final statement. However, if the amount of the final statement is lower than the advance referred to in paragraph 5 above, the resulting balance shall not be reimbursable to the shipowner.

7. Community vessels shall keep a fishing log, in accordance with the model in Appendix 2, for each fishing period spent in São Tomé e Príncipe's fishing zone. The form shall be sent to the Ministry of Agriculture and Fisheries, via the Delegation of the Commission of the European Communities responsible for São Tomé e Príncipe, within 45 days of the end of the fishing trip spent in the São Tomé e Príncipe fishing zone.

Forms must be completed legibly and signed by the master of the vessel.

8. Every time they enter or leave São Tomé e Príncipe's fishing zone, Community vessels shall communicate the volume of catch held on board at that time to the radio station on São Tomé e Príncipe. The call sign shall be communicated to shipowners when the licence is issued.

A vessel caught fishing without having notified the radio of São Tomé e Príncipe shall be considered an unlicensed vessel.

In cases where this radio communication cannot be used, vessels may use alternative means such as telex or telegram.

9. Vessels shall allow on board observers at the request of the authorities of São Tomé e Príncipe. Observers should not remain on board any longer than the time needed to carry out spot checks on the catch. The master of the vessel shall take all necessary steps to facilitate the task of the observers on board.

10. The international standards on tuna fishing as recommended by ICCAT shall apply.

11. The Delegation of the Commission of the European Communities responsible for São Tomé e Príncipe shall be notified within 48 hours of any boarding within São Tomé e Príncipe's fishing zone of a fishing vessel flying the flag of a Member State of the Community and operating under this Agreement.

A brief report of the circumstances and reasons leading to the boarding must be submitted within 72 hours.

Appendix 1

DEMOCRATIC REPUBLIC OF SÃO TOMÉ E PRÍNCIPE
MINISTRY OF AGRICULTURE AND FISHERIES
FISHING LICENCE APPLICATION No.

Name of applicant:
Address of applicant:
.....
Name and address of shipowner:
.....
Name and address of any representative in São Tomé e Príncipe:
.....
Name of vessel:
Type of vessel:
Country of registration:
Port and registration number:
External identification of vessel:
Radio call sign and frequency:
Length of vessel:
Width of vessel:
Engine type and rating:
Hold capacity:
Minimum crew:
Type of fishing:
Species to be fished:
.....

Period of validity sought:

I hereby certify that this information is correct and that I know and agree with and undertake to observe and enforce the laws of the Democratic Republic of São Tomé e Príncipe concerning fishing and the sea, and all applicable international legislation.

Date:

THE APPLICANT

.....

Fishing modalities

Fishing modalities

Fishing modalities

Fishing modalities

COUNCIL DECISION

of 12 November 1990

on the conclusion of the Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol setting out, for the period 1 August 1990 to 31 July 1993, the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Islamic Republic of Mauritania on fishing off the coast of Mauritania

(90/622/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) thereof,

Having regard to the Agreement between the European Economic Community and the Islamic Republic of Mauritania on fishing off the coast of Mauritania⁽¹⁾,

Having regard to the proposal from the Commission,

Whereas, before the end of the period of validity of the current Protocol, negotiations have been held between the Community and the Islamic Republic of Mauritania, in accordance with the second paragraph of Article 13 of the abovementioned Agreement, to determine the amendments or additions to be introduced into the Annex to the Agreement and into the Protocol at the end of the period of application of the Protocol;

Whereas the two Parties agreed to extend the said Protocol on a temporary basis between 1 and 31 July 1990 pending the outcome of the said negotiations;

Whereas, as a result of these negotiations, a new Protocol was initialled on 31 July 1990;

Whereas, under that Protocol, Community fishermen have fishing rights in the waters under the sovereignty or jurisdiction of Mauritania;

Whereas, pursuant to 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 the case in point calls for the said procedures to be determined;

Whereas, in order to avoid any interruption in the fishing activities of Community vessels, it is essential that the new Protocol be applied as soon as possible; whereas, 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 Protocol from the day following the date of expiry of the Protocol in force; whereas this Agreement should be approved, pending a final decision taken 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 Protocol setting out, for the period 1 August 1990 to 31 July 1993, the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Islamic Republic of Mauritania on fishing off the coast of Mauritania is hereby approved on behalf of the Community.

The texts of the Agreement in the form of an Exchange of Letters and of the Protocol are 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

(¹) OJ No L 388, 31. 12. 1987, p. 1.

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 relevant authorities at local level ('registros de base') in the Canary Islands, under the conditions specified in Note 6 to Annex I to Council Regulation (EEC) No 1135/88 of 7 March 1988 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 ⁽¹⁾.

Article 3

The president of the Council is hereby authorized to designate the persons empowered to sign the Agreement in order to bind the Community.

Done at Brussels, 12 November 1990.

For the Council

The President

G. DE MICHELS

⁽¹⁾ OJ No L 114, 2. 5. 1988, p. 1.

AGREEMENT

in the form of an Exchange of Letters concerning the provisional application of the Protocol setting out, for the period 1 August 1990 to 31 July 1993, the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Islamic Republic of Mauritania on fishing off the coast of Mauritania

A. Letter from the Islamic Republic of Mauritania

Sir,

With reference to the Protocol initialled on 31 July 1990 setting out fishing opportunities and financial contribution for the period 1 August 1990 to 31 July 1993, I have the honour to inform you that the Islamic Republic of Mauritania is ready to apply this Protocol on a provisional basis, with effect from 1 August 1990, pending its entry into force in accordance with Article 9 of the said Protocol, provided that the European Economic Community is disposed to do the same.

This is on the understanding that a first instalment equal to one-third of the financial compensation specified in Article 2 of the Protocol is paid by 15 November 1990.

I should be obliged if you would confirm the European Economic Community's agreement to such provisional application.

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

For the Islamic Republic of Mauritania

B. Letter from the European Economic Community

Sir,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows:

'With reference to the Protocol initialled on 31 July 1990 setting out fishing opportunities and financial contribution for the period 1 August 1990 to 31 July 1993, I have the honour to inform you that the Islamic Republic of Mauritania is ready to apply this Protocol on a provisional basis, with effect from 1 August 1990, pending its entry into force in accordance with Article 9 of the said Protocol, provided that the European Economic Community is disposed to do the same.

This is on the understanding that a first instalment equal to one-third of the financial compensation specified in Article 2 of the Protocol is paid by 15 November 1990.

I should be obliged if you would confirm the European Economic Community's agreement to such provisional application.'

I have the honour to confirm the European Economic Community's agreement to this provisional application of the Protocol.

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

*On behalf of the Council
of the European Communities*

PROTOCOL

setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Islamic Republic of Mauritania on fishing off the coast of Mauritania for the period 1 August 1990 to 31 July 1993

Article 1

For a period of three years from 1 August 1990, the fishing opportunities granted pursuant to Article 2 of the Agreement shall be as follows:

1. Specialized vessels:

- (a) fishing vessels specializing in crustaceans with the exception of lobsters: 10 000 GRT/month annual average;
- (b) black hake trawlers and bottom longliners: 15 000 GRT/month annual average;
- (c) pelagic trawlers and seiners: 9 000 GRT/month annual average;
- (d) pot vessels (lobsters): 1 950 GRT/month annual average.

Vessels with licences for lobster fishing may keep on board no fishing gear other than pots. These vessels are not authorized for live-bait fishing. In addition, lobster fishing shall be prohibited between 1 July and 30 September each year, since this is the height of the breeding season for these species.

It has also been agreed that the lobster fishing opportunities offered to the Communities represent the maximum fishing effort currently possible given the state of stocks. The fishing effort may be reviewed in the Joint Committee on the basis of the results of the scientific assessment provided for in Article 4. If the effort is increased, the Community will be given first refusal on the additional rights after the requirements of the national fleet have been met.

2. Vessels fishing for highly migratory species:

- pole-and-line tuna vessels and surface longliners: 38 vessels,
- freezer tuna seiners: 25 vessels.

3. Live-bait fishing:

pole-and-line tuna vessels are also authorized to fish with live bait where required to carry out their fishing trips within the limits and under the conditions (zones and mesh sizes) laid down in the Annex to the Agreement.

Article 2

- 1. The financial compensation referred to in Article 6 of the Agreement shall be, for the period referred to in Article 1, ECU 27 750 000, payable in three annual instalments.
- 2. The use to which this compensation is put shall be the sole responsibility of Mauritania.
- 3. The compensation shall be paid into an account opened with a financial institution or any other body designated by Mauritania.

Article 3

Demersal trawling fishing rights will be offered to Community vessels if Mauritania decides, taking account of stock levels, to reopen this type of fishing to vessels other than those of the national fleet. In such a case, the financial compensation referred to in Article 2 shall be increased proportionately *pro rata temporis*.

Article 4

The Community shall contribute during the period referred to in Article 1 the sum of ECU 900 000 towards the financing of scientific and technical programmes to improve biological and fishery resource information as regards the Mauritanian fishing zone.

Part of this amount shall be used to carry out a scientific assessment of lobster stocks.

These programmes shall be drawn up by the CNROP and submitted to the Community, which will participate in their implementation. Once the content of the programmes has been approved by both Parties, the corresponding amounts shall be paid into an account indicated by the Mauritanian authorities by the dates specified in the programmes.

The Mauritanian authorities must report regularly on the implementation of the approved programmes and the results obtained. The Community reserves the right to request any further scientific information from the other Party.

Article 5

1. The Community shall make it easier for nationals of Mauritania to find places in establishments in its Member States and shall provide for that purpose awards for study and practical training in the various scientific, technical and economic disciplines relating to fisheries. Such awards may also be used in all countries linked to the Community by a Cooperation Agreement.

The Community shall contribute to the costs of participating in international meetings or training courses on fisheries.

2. The cost of these measures may not exceed ECU 360 000. This sum shall be paid as and when it is needed.

Article 6

Should the Community fail to make the payments provided for in Articles 2 and 4, the application of this Protocol may be suspended.

Article 7

The Parties agree to encourage cooperation in the field of fisheries. They shall encourage the integration of Community and Mauritanian concerns through associations of mutual interest to exploit fisheries resources and process and market fishery products. To this end, the Joint Committee shall examine appropriate measures.

Article 8

The Annex to the Agreement between the European Economic Community and the Islamic Republic of Mauritania on fishing off the coast of Mauritania is hereby repealed and replaced by the Annex to this Protocol.

Article 9

This Protocol shall enter into force on the date which it is signed. It shall apply with effect from 1 August 1990.

ANNEX

CONDITIONS FOR THE EXERCISE OF FISHING ACTIVITIES BY COMMUNITY VESSELS IN MAURITANIA'S FISHING ZONE

A. Licence applications and issuing formalities

- (a) The Commission of the European Communities shall, via its delegation in Mauritania, present to the Mauritanian fishery authorities a licence application in respect of each vessel, drawn up by shipowners wishing to fish under the Agreement, at least 20 days before the date of commencement of the period of validity requested. The applications shall be made on the forms provided for that purpose by Mauritania, a specimen of which is shown in Annex 1. Licence applications shall be accepted only if accompanied by proof of payment of the fee for the period of the licence's validity. The fees shall include all national and local charges except for the cost referred to at (b).

In addition, in the case of freezer tuna seiners, a tonnage certificate must be attached to the licence application form.

- (b) Before receiving a licence, each vessel, with the exception of freezer tuna seiners, must be presented at the port of Nouadhibou for inspection in accordance with the rules and regulations in force. This inspection shall be carried out within 48 hours of the vessel's arrival in port. The expenses incurred shall be borne by the shipowner and may not be higher than those usually paid by other vessels for the same services.
- (c) Licences shall be issued for a given vessel. At the request of the Commission of the European Communities, a licence issued for one vessel may in a case of *force majeure*, be replaced by a licence for another Community vessel having the same characteristics. In such a case, the owner of the vessel to be replaced shall return the licence to the Ministry responsible for maritime fisheries via the Delegation of the Commission of the European Communities in Mauritania.

The new licence shall indicate:

- the date of issue,
- the fact that this licence cancels and replaces that of the first vessel.

No fee shall be due for the period of validity remaining.

Licences issued to seiners and pelagic trawlers shall be transferable from one ship to another at the request of the Community, provided that the payment for the year in question is made at the issue of the first licence.

Where such a transfer is made, the Community shall apply for a licence for the replacement vessel, indicating the name of the vessel to be replaced and the date on which the transfer is to take effect.

- (d) The licence shall be delivered to the master of the vessel or his representative by the Mauritanian authorities within 20 days of receipt of proof of payment of the fee. The Delegation of the Commission of the European Communities in Mauritania shall be notified of delivery.
- (e) The licence must be held on board at all times.
- (f) The Mauritanian authorities shall specify the bank account and currencies to be used for payment of fees before the entry into force of the Agreement.

B. Validity of licences and payment of fees by shipowners

1. Provisions applicable to tuna vessels and surface longliners

- (a) Licences for these vessels shall be issued for periods of 12 months.
- (b) The fee to be paid by the shipowner shall be set at ECU 20 per tonne caught within the Mauritanian fishing zone.

- (c) Licences shall be issued following payment to the Mauritanian treasury of a lump sum of ECU 2 000 a year for each pole-and-line tuna vessel and each surface longliner and ECU 1 000 a year for each freezer tuna seiner, equivalent to the fees for:

- 100 tonnes of tuna a year in the case of pole-and-line tuna vessels,
- 100 tonnes per year of species caught by surface longliners,
- 50 tonnes of tuna per year caught by freezer tuna seiners.

The final statement of the fees due for the fishing period shall be drawn up by the Commission of the European Communities at the end of each calendar year on the basis of the catch statements made by each shipowner and confirmed by the scientific institutes responsible for verifying catch data such as the French Office de la recherche scientifique et technique d'outre-mer (Orstom) and the Instituto Español de Oceanografía (IEO) on the one hand and the Centre National de Recherche Océanographique et des Pêches (CNROP) on the other.

This statement shall be forwarded simultaneously to the Mauritanian sea-fishing services and to the shipowners not later than 30 April of the following year. Any additional payment due shall be made by the shipowners to the Mauritanian sea-fishing services no later than 30 days after notification of the final statement.

However, if the amount of the final statement is lower than the abovementioned advance, the resulting balance shall not be reimbursable to the shipowner.

In addition, ships' masters shall keep a logbook for each fishing period in Mauritania's fishing zone in accordance with the specimen in Appendix II.

2. *Provisions applicable to other vessels*

- (a) Licences for these vessels shall be issued for periods of 12 months. They shall be renewable.
- (b) The licence fees to be paid by shipowners, expressed in ecus per gross registered tonnage per year, are as follows:
- (a) fishing vessels specializing in crustaceans with the exception of lobsters: 276;
 - (b) black hake trawlers and bottom long-liners: 142;
 - (c) pelagic trawlers and seiners: 110;
 - (d) pot vessels (lobsters): 242.

C. *Statement of catch*

1. All vessels authorized to fish in Mauritania's fishing zone under the Agreement, with the exception of tuna vessels and longliners, shall be obliged to forward a statement of their catch, made out according to the specimen in Appendix III, to the Ministry for Fisheries and the Economy of the Sea, via the Delegation of the Commission of the European Communities at Nouakchott.

These statements of catch must be drawn up for each month and sent at least once every six months. They must be completed legibly and be signed by the master of the vessel.

2. Should these provisions not be adhered to, Mauritania reserves the right to suspend the licence of the offending vessel until the required formality has been complied with. In this case, the Delegation of the Commission of the European Communities at Nouakchott shall be informed without delay.

D. *Signing-on of seamen*

1. With the exception of freezer tuna seiners, owners of Community vessels engaged in activities in Mauritania's fishing zone shall employ Mauritanian fishermen and seamen to make up 35 % of the non-officer crew engaged in manning the vessel or fishing operations at the rates of pay applicable to seamen on Mauritanian vessels.

2. However, for the duration of this Protocol, the percentage of fishermen and seamen actually taken on board may not be lower than 25 %. In this case, shipowners are required to pay compensation to the Mauritanian authorities of ECU 200 per month for each seaman of the number constituting the difference between the 35 % quota and the number of seamen actually employed on board; such compensation shall be used for the training of Mauritanian fishermen.

3. At the request of the Mauritanian authorities, Community vessels shall take on board a fisherman/scientific observer as part of the compulsory percentage taken on board.

The presence of this fisherman/scientific observer may not prejudice fishing operations.

4. Shipowners shall be free to choose which Mauritanian sailors they take on board their vessels. The Mauritanian authorities shall therefore keep an up-to-date list containing an adequate number of sailors.
5. The employment contracts of the fishermen shall be drawn up in Mauritania between the shipowners or their representatives and the fishermen in agreement with the Mauritanian fisheries authorities. These contracts shall cover the social security arrangements applicable to the fishermen (including life, accident and sickness insurance).
6. The provisions relating to the signing-on of seamen shall be studied in detail at the first meeting of the Joint Committee. It will examine, in particular, the possibility of taking on board trainee officers with a view to the completion of their practical training.

E. Inspection and monitoring of fishing activities

Any Community vessel fishing in Mauritania's fishing zone shall allow on board and assist in the accomplishment of his duties any Mauritanian official responsible for inspecting and monitoring fishing activities.

These officials should not remain on board any longer than the time required to carry out their duties.

F. Entering and leaving the zone

Community vessels, except those of less than 150 GRT, fishing in Mauritania's fishing zone under the Agreement shall inform the headquarters of the Commande des Pêches (DCP) at Nouadhibou of the date, time and their position whenever entering or leaving the Mauritanian fishing zone. In addition, pole-and-line tuna vessels shall radio to the same station 24 hours in advance their intention to fish with live bait in the zones demarcated for this purpose.

G. Fishing zones

The fishing zones to which Community vessels shall have access are the waters referred to in Article 1 of the Agreement beyond the following limits:

— for fishing vessels specializing in crustaceans, with the exception of lobsters:

north of latitude 19°21' N: nine nautical miles from the base line of Cap Blanc-Cap Timiris,

south of latitude 19°21' N: six nautical miles from the low water mark,

during a period laid down annually by decree of the Minister responsible for sea fishing, north of latitude 19°21' N the line between the following points:

20°46' N	17°03' W,
19°50' N	17°03' W,
19°21' N	16°45' W,

— for black hake trawlers and bottom long-liners:

north of latitude 19°21' N, the line between the following points:

20°36' N	17°36,0' W,
20°03' N	17°36,0' W,
19°50' N	17°12,8' W,
19°50' N	17°03,0' W,
19°04' N	16°34,0' W,

south of latitude 19°21' N, the 18 nautical mile line measured from the low water mark,

— for pelagic trawlers and seiners:

for the zone from Cap Blanc to latitude 19°21' N, the line between the following points:

20°46,3' N	17°03,0' W,
20°10,7' N	17°24,2' W,
19°50,0' N	17°12,8' W,
19°43,0' N	16°58,0' W,
19°21,0' N	16°45,0' W,

south of latitude 19°21' N the 12 nautical mile line measured from the low water mark,

— for pot vessels (lobsters):

north of latitude 19°21' N: 20 nautical miles from the base lines of Cap Blanc-Cap Timiris,

south of latitude 19°21' N: 15 nautical miles from the low water line,

— for pole-and-line tuna vessels and surface longliners:

north of latitude 19°21' N: 15 nautical miles from the base lines of Cap Blanc-Cap Timiris,

south of latitude 19°21' N: 12 nautical miles from the low water line,

— for freezer tuna seiners:

north of latitude 19°21' N: 30 nautical miles from the base lines of Cap Blanc-Cap Timiris,

south of latitude 19°21' N: 30 nautical miles from the low water line,

— for pole-and-line tuna vessels fishing with live bait:

north of latitude 19°21' N: three nautical miles from the base lines of Cap Blanc-Cap Timiris,

south of latitude 19°21' N: three nautical miles from the low water line.

H. By-catch

The by-catch (expressed as a proportion of the total weight of the catch) which may be held on board the Community vessels specified below operating in Mauritanian waters may not exceed the following percentages:

- fishing vessels specializing in crustaceans with the exception of lobsters: 10 %, of which 0 % cephalopods,
- black hake trawlers and bottom long-liners: 35 %, of which 0 % shrimps and cephalopods,
- pelagic trawlers: 3 %,
- pelagic seiners: 10 %.

I. Authorized mesh sizes

The minimum mesh sizes authorized are the following:

- fishing vessels specializing in crustaceans with the exception of lobsters: 40 mm,
- black hake trawlers: 60 mm,

- pelagic seiners: 20 mm,
- pelagic trawlers: 30 mm,
- pole-and-line tuna vessels fishing with live bait: 8 mm,
- tuna seiners: the standards recommended by ICCAT shall apply.

J. Seizure and detention of vessels

The seizure or detention, under the terms of the applicable Mauritanian legislation, of a fishing vessel flying the flag of a Member State of the Community shall be notified to the Delegation of the Commission of the European Communities in Mauritania within 48 hours and simultaneously to the consular agent of the Member State whose flag the vessel flies.

The circumstances and reasons which led to the seizure or detention shall be brought to the attention of the Delegation of the Commission of the European Communities in Mauritania.

K. Transhipment of catches

The Joint Committee shall study the possibility of transshipments for fishing vessels specializing in crustaceans with the exception of lobsters at its first meeting.

Appendix I

I. APPLICANT

Business name:

Number and date of registration:

Commercial registration number:

Forename and name of person responsible:

Date and place of birth:

Profession:

Address:

.....

Number of employees: Permanent: Temporary:

Name and address of person responsible:

.....

II. VESSEL

Name of shipowner: Type of ship:

Registration number:

Home port:

New name: Former name:

Date and place of construction:

Modifications: to the structure: to the equipment:

Nationality of origin: Current nationality:

Date of acquiring current flag:

Classification bureau:

Length overall: Breadth: Draught:

..... GRT NRT

Make of main engine: Type:

HP of engine:

Engine No:

Propeller: fixed pitch ☐ Controllable pitch ☐ Nozzle ☐

Maximum speed:

Radio: call sign: Frequency:

Detection, navigation and transmission equipment:

Radar ☐ Sonar ☐ Sounder/headline/Net Sonde ☐VHF ☐ SSB ☐ Navigation: satellite ☐ Other ☐

Crew:

Name of master:

Number of seamen: Total:

Mauritanian:

III. PRESERVATION METHOD

Ice ☐ Ice + refrigeration ☐

Freezing: In brine ☐ Dry ☐ In cold water ☐

Total refrigeration capacity:

Freezer capacity per 24 hours in tonnes:

Hold capacity:

IV. TYPE OF FISHING FOR WHICH AUTHORIZATION IS SOUGHT

— Crustaceans, type:

— Black hake:

— Pelagic species:

— Tuna:

— Gear and mesh used:

V. OTHER

— Live bait fishing:

— Gear and mesh used:

— Period of validity sought:

— Date of application:

— Name and signature:

Fishing modalities

□ Longline

☐ Bait boat ☐ Purse seiner ☐ Trawling ☐ Others	
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[illegible]

Islamic Republic of Mauritania
FISHING LOG BOOK

Name of the boat (')	Boat left (')	Date (*)	Day	Month	Year	Hour

Radio signal (*)		Date (*)	
Name of the Captain (*)		Boat returned (*)	

[illegible]

Signature of the captain ("")

[illegible]