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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 2296/93

of 22 July 1993

on the conclusion of the Protocol defining, for the period 2 October 1992 to 1 October 1994, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas, pursuant to the second subparagraph of Article 17 of the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal ⁽³⁾, the two Parties entered into negotiations to determine the amendments or additions to be made to the Agreement on the expiry of the application period of the Protocol annexed thereto;

Whereas, as a result of these negotiations, a Protocol setting out the fishing rights and financial compensation provided for in the said Agreement for the period from 2 October 1992 to 1 October 1994 was initialled on 1 October 1992;

Whereas it is in the Community's interest to approve the said Protocol,

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 22 July 1993.

Article 1

The Protocol defining, for the period from 2 October 1992 to 1 October 1994 the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Regulation.

Article 2

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

Article 3

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

For the Council

The President

M. OFFECIERS-VAN DE WIELE

⁽¹⁾ OJ No C 335, 18. 12. 1992, p. 19.

⁽²⁾ Opinion delivered on 12 July 1993 (not yet published in the Official Journal).

⁽³⁾ OJ No L 226, 29. 8. 1980, p. 17.

PROTOCOL

defining, for the period 2 October 1992 to 1 October 1994, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal

THE PARTIES TO THIS PROTOCOL,

Having regard to the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal, signed on 15 June 1979,

HAVE AGREED AS FOLLOWS:

Article 1

From 2 October 1992, for a period of two years, the limits referred to in the second subparagraph of Article 4 of the Agreement shall be as follows:

1. wet-fish trawlers (inshore demersal fishing for fish and cephalopods) landing and selling their entire catch in Senegal: 1 000 GRT/year;
2. trawlers (inshore demersal fishing for fish and cephalopods) not landing their catch in Senegal: 2 500 GRT/year, including 1 250 GRT/year with freezing facilities;
3. ocean-going trawlers (deep-water demersal species) not landing their catch in Senegal and fishing for a period of four months: 12 000 GRT/year in an average year, including 6 000 GRT/year with freezing facilities;
4. freezer trawler (inshore demersal fishing for fish and cephalopods) landing and selling part of their catch in Senegal: 6 500 GRT/year;
5. freezer trawlers (inshore demersal fishing for fish and cephalopods) landing part of their catch in Senegal and fishing over a four-month period specified for each vessel in an overall fishing plan to be notified to the Senegalese Government by the Community every six months: 1 000 GRT/year in an average year;
6. ocean-going shrimp freezer trawlers (demersal) not landing their catch in Senegal: 6 100 GRT/year;
7. bottom longliners (experimental): 1 500 GRT/year;

8. tuna canners: 11 vessels;

9. freezer tuna seiners: 57 vessels;

10. surface longliners: 11 vessels.

Article 2

1. The financial compensation referred to in Article 9 of the Agreement is hereby fixed, for the period referred to in Article 1, at ECU 31 200 000 payable in two equal annual instalments.

2. The compensation shall be paid into the account of Senegal's Treasurer General.

Article 3

The fishing opportunities provided for in Article 1 may be increased, at the request of the Community, by successive annual instalments of 1 000 GRT/year. In such case the financial compensation provided for in Article 2 shall be increased proportionately *pro rata temporis*.

Article 4

In addition, during the period referred to in Article 1, the Community shall contribute the sum of ECU 600 000 to the financing of Senegal's scientific programmes intended to improve knowledge of fish stocks in Senegal's exclusive economic zone. This sum shall be made available to the Centre de Recherches Océanographiques de Dakar-Thiaroye (Crodt). The competent authorities in Senegal shall send the Commission summary reports on the programmes carried out.

Article 5

The two Parties agree that an essential factor for the success of their cooperation is that the competence and know-how of persons engaged in sea fishing should be improved. To this end, the Community will make it easier for nationals of Senegal to find places in establishments in its Member States and shall provide for that purpose study

and practical training awards in various scientific, technical and economic disciplines connected with fisheries. These awards may be used also in any other State linked to the Community by a cooperation agreement. The total cost of the awards may not exceed ECU 200 000. This amount shall be payable as and when it is used.

Article 6

Failure by the Community to make the payments provided for in Articles 2 and 4 of this Protocol may result in the suspension of the Fisheries Agreement.

Article 7

The Annex to the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal, signed on 15 June 1979, is hereby repealed and replaced by the one which appears in the Annex to this Protocol.

Article 8

This Protocol shall enter into force on the date of its signing.

It shall apply with effect from 2 October 1992.

ANNEX

'ANNEX'I

CONDITIONS GOVERNING FISHING ACTIVITIES IN SENEGAL'S FISHING ZONE BY VESSELS
FLYING THE FLAG OF A MEMBER STATE OF THE COMMUNITY

A. Application for and issue of licences

- 1.1. The relevant Community authorities shall present to the Senegalese Ministry responsible for sea fisheries an application in respect of each vessel wishing to fish under the Agreement.

The application, accompanied by a tonnage certificate, shall be made on the forms provided for that purpose by the Government of Senegal, a specimen of which is at Appendix 1.

- 1.2. The technical services of the Ministry responsible for sea fisheries shall establish the fee payable by the shipowner for the licence and inform the delegation of the Commission of the European Communities in Dakar.

Fees shall include all national and local charges with the exception of port charges and the costs of services.

After payment of the fee, the licence shall be signed and forwarded to the delegation of the Commission of the European Communities in Dakar.

If within two weeks of notification of the amount due the fee has not been paid, the Community may make fresh licence application for the tonnage concerned.

- 1.3. Licences shall be valid from the date of issue until 31 December of the year in which they are issued or until the expiry of the Protocol in its last year of application.

Trawlers fishing demersal species may, within the limits laid down in points 3 and 5 of Article 1 of the Protocol, obtain special licences valid for four months.

- 1.4. The fees and advances shall be for one year, except those for the licences referred to in point 1.3. However, in the first and last years of application of the Protocol, the fees and advances shall be in proportion to the period of validity of the Agreement. The fees shall be set as follows:

A. Fees for trawlers

1. Wet-fish trawlers (inshore demersal fishing for fish and cephalopods) landing and selling their entire catch in Senegal: CFAF 20 000 per GRT/year.
2. Trawlers (inshore demersal fishing for fish and cephalopods) not landing their catch in Senegal: CFAF 50 000 per GRT/year.
3. Ocean-going trawlers (demersal) not landing their catch in Senegal and fishing for a period of four months: CFAF 12 500 per GRT/four months for wet fish trawlers and CFAF 15 000 per GRT/four months for freezer trawlers.
4. Freezer trawlers (inshore demersal fishing for fish and cephalopods) landing and selling part of their catch in Senegal: CFAF 40 000 per GRT/year.
5. Freezer trawlers (inshore demersal fishing for fish and cephalopods) landing part of their catch in Senegal and fishing over a four-month period specified for each vessel in an overall fishing plan to be notified to the Senegalese Government by the Community every six months: CFAF 23 000 per GRT/four months.
6. Ocean-going shrimp freezer trawlers (demersal) not landing their catch in Senegal: CFAF 40 000 per GRT/year.
7. Bottom longliners: CFAF 40 000 per GRT/year.

B. Fees for tuna vessels and longliners

1. Tuna canners: CFAF 2/kilogram of fish caught in Senegal's fishing zone.
2. Freezer tuna seiners: CFAF 7/kilogram of fish caught in Senegal's fishing zone.
3. Surface longliners: CFAF 15/kilogram of fish caught in Senegal's fishing zone.

Licences for vessels referred to in 2 and 3 shall be issued following advance payment to the Receveur des Domaines for those fees of a lump sum of CFAF 350 000 for each tuna seiner and CFAF 750 000 for each surface longliner, which corresponds to 50 tonnes of tuna per vessel per year.

The final statement of the fees due for the fishing year shall be drawn up at the end of each calendar year by the Commission of the European Communities on the basis of catch statements made by the shipowners for each vessel and confirmed by the Centre de Recherches Océanographiques de Dakar-Thiaroye (Crodt). The statement shall be forwarded simultaneously to the Senegalese authorities and the shipowners. Each additional payment, if any, shall be made by the shipowners to the Receveur des Domaines not later than 30 days following the notification of the final statement.

However, where the sum due as set out in the final statement is less than the advance, the shipowner will not be reimbursed the difference.

B. Statements of catch

All vessels authorized to fish in Senegalese waters under the Agreement shall be required to forward to the Direction de l'Océanographie et des Pêches Maritimes, with a copy to the delegation of the Commission of the European Communities in Dakar, a statement of their catch made out according to Appendices 2, 3 and 4. These statements must be presented after each voyage in the case of wet trawlers. For freezer trawlers, monthly catch statements must be forwarded before the end of the month following the vessel's return.

Should these provisions not be adhered to, the Government of Senegal reserves the right to suspend the licence of the offending vessel until the formality has been completed and to apply the sanction provided for under Article 58 of Senegal's sea fisheries code. In this case, the delegation of the Commission of the European Communities at Dakar shall be informed.

C. Landing of catch

- (a) Freezer trawlers (inshore demersal fishing) in category 4 shall land, for local market prices, 130 kilograms of fish and shrimp per GRT every half year.

These landings may be made individually or collectively.

Any failure to comply with the requirements to land catches may incur the following sanctions:

- a fine of CFAF 300 000 for each tonne not landed,
- withdrawal without renewal of the licence of the vessel concerned or another vessel of the same shipowner.

In order to ensure payment of the fine, the issuing of a licence shall be subject to the lodging in Senegal of a banker's guarantee of CFAF 39 000 per GRT for every half-year.

The Senegalese authorities shall release this security as soon as a vessel has met its landing requirements in full.

- (b) In the case of tuna canners, the target set by the two Parties shall be to land not less than 3 500 tonnes of tuna a year in Senegalese ports at the international price applicable.

If, during the fishing year, total landings by the fleet concerned fall short of this minimum quantity as a result of an unforeseeable change in the state of fish stocks or the structure of the fleet, the two Parties shall enter into consultations without delay in order to establish the appropriate action to achieve the said quantity and ensure its implementation.

- (c) Freezer tuna seiners shall land 12 500 tonnes of tuna a year at the prevailing international price and in accordance with a programme to be established by agreement between Community shipowners and Senegalese canners. In the event of disagreement on the timetable for landings, the Joint Committee referred to in Article 11 of the Agreement shall hold a special meeting at the request of either of the Parties.

- (d) Community shipowners shall endeavour to land a total of 24 000 tonnes.

D. Signing-on of seamen

1. Trawlers and longliners authorized to fish in Senegalese waters under the Agreement shall be required to take on 33 % of their crew from among Senegalese seamen. This percentage shall include the observer or seaman/observer referred to at point H.

If the vessel holds a valid fishing licence issued by another country in the subregion (Mauritania, Gambia, Guinea-Bissau or Guinea), it shall be required to take on board a number of Senegalese seamen equivalent to 33 % of the non-officer crew assigned to sail the vessel.

2. In the case of freezer tuna seiners, the overall requirement to take on board seamen shall be established on the basis of the scale of activity in Senegal's fishing zone and the employment of crew from other countries, the fisheries of which are frequented by that fleet.
3. Before licences are issued, the salary of these seamen/observers shall be determined by common agreement between the shipowners and their representatives and the Ministry responsible for sea fisheries. It shall be paid by the shipowners and shall include social security applicable to the seaman (e. g. life, accident and sickness insurance).

E. Special equipment and supplies and services

Wherever possible, Community vessels shall procure the supplies and services they require, including dry dock facilities and regular maintenance, in Senegal.

F. Fishing zones

1. Wet trawlers (inshore demersal fishing) of less than 300 GRT and inshore freezer trawlers (demersal species) of less than 250 GRT shall be authorized to fish:
- (a) from six nautical miles off the baselines between the Senegal-Mauritania border and the latitude of Cape Manuel (14°36'00"N);
 - (b) from seven nautical miles off the baselines between the latitude of Cape Manuel (14°36'00"N) and the northern Senegal-Gambia border;
 - (c) from six nautical miles off the baselines between the southern Senegal-Gambia border and the Senegal-Guinea Bissau border.
2. Wet trawlers (inshore demersal fishing) of more than 300 GRT, freezer trawlers (inshore demersal fishing) of more than 250 GRT and bottom longliners shall be authorized to fish beyond 12 nautical miles from the baselines of the waters under Senegal's jurisdiction.
3. Ocean-going trawlers for demersal species shall be authorized to fish:
- (a) from 12 nautical miles off the baselines between the Senegal-Mauritania border and latitude 15°00'N;
 - (b) from six nautical miles off the baselines between latitude 15°00'N and the latitude of Portudal (14°27'00"N);
 - (c) from 25 nautical miles off the baselines between the latitude of Portudal (14°27'00"N) and the northern Senegal-Gambia border;

- (d) from 35 nautical miles off the baselines between the southern Senegal-Gambia border and the Senegal-Guinea Bissau border.
- 4. Tuna cannery and freezer tuna seiners shall be authorized to fish for bait and tuna in all waters under Senegal's jurisdiction.
- 5. Surface longliners shall be authorized to drop their lines:
 - (a) from 15 nautical miles off the baselines between the Senegal-Mauritania border and the latitude of Portudal (14°27'00"N);
 - (b) from 25 nautical miles off the baselines between the latitude of Portudal (14°27'00"N) and the northern Senegal-Gambia border;
 - (c) from 25 nautical miles off the baselines between the southern Senegal-Gambia border and the Senegal-Guinea Bissau border.

G. Radio communications

Any Community vessel intending to carry out fishing activities in Senegal's fishing zone shall notify the radio station of the *Projet de Protection et de Surveillance de Pêche au Sénégal (PSPS)* of each entry into or exit from the fishing zone. Shipowners will be informed of the call sign when the fishing licence is issued. Any vessel found fishing without having notified the PSPS of its presence shall be considered an unlicensed vessel.

H. Observers

- 1. (a) When fishing in Senegal's waters, all Community trawlers and longliners of more than 300 GRT shall accept on board an observer designated by Senegal. The captain shall facilitate the work of the observer, who shall enjoy all the facilities provided for the officers of the vessel concerned.
- (b) The Senegal authorities shall communicate to the Commission of the European Communities the names of the designated observers.
- (c) Subject to the restrictions imposed by the vessel, observers shall be provided with board and accommodation at the shipowner's expense. Their meals shall be served in the officers's messroom and they shall be accommodated in the areas provided for the officers or, if this is impossible, in a living area distinct from that provided for the crew.
- 2. (a) Trawlers and longliners of less than 300 GRT shall take on board a seaman designated by Senegal who shall act as seaman/observer.
- (b) In the case of freezer tuna seiners, one of the Senegalese seamen on board may be designated seaman/observer.
- (c) Captains shall facilitate the work of the seamen/observers that is additional to actual fishing operations. Seamen/observers shall receive the normal seaman's rate of pay from the shipowner.
- 3. Owners of trawlers or longliners shall make a flat-rate payment to the Senegalese government of CFAF 3 500 for seamen/observers and CFAF 8 000 for observers for each day spent on board.
- 4. In principle the observer shall be taken on board for a maximum period of 60 days. This period may be extended where the duration of a voyage by the vessel on which the observer is taken on board exceeds that period.

In such case, the observer shall leave the vessel on its return. A deposit equivalent to 60 days' activity at sea shall be lodged before the boarding of the observer or seaman/observer. Settlement is to be made after each voyage.
- 5. The taking on board and disembarkation of observers shall not interrupt or hinder fishing operations. Observers may therefore be taken on board and/or leave the vessel in a port elsewhere than in Senegal provided that their travel and other expenses are reimbursed by the shipowner.

The deposit equivalent to 60 days' activity at sea is to be considered an advance on the payment of the observer's allowance. The latter shall be paid after the observer has left the vessel. A final statement of advances made shall be drawn up at the end of the calendar year.

I. Minimum authorized mesh

The minimum authorized mesh sizes for industrial fishing gear are as follows (mesh opening):

- purse seines with live bait: 16 mm,
- standard otter trawls (fish or cephalopods): 65 mm,
- standard otter trawls (black hake): 60 mm,
- deep-sea shrimp trawls: 40 mm.

In the case of tuna, the international standards recommended by the International Commission for the Conservation of Atlantic Tuna (ICCAT) are to be applied.

J. Boarding

The delegation of the Commission of the European Communities in Dakar shall be notified within 48 hours of the arrival at the Marine National base of the boarding of any fishing vessel flying the flag of a Member State of the Community fishing under the Fisheries Agreement between Senegal and the European Community, and of the circumstances and reasons leading to such boarding.

Appendix 1

REPUBLIC OF SENEGAL

MINISTRY RESPONSIBLE FOR MARITIME FISHING

DIRECTORATE OF OCEANOGRAPHY
AND MARITIME FISHING

APPLICATION
FORM FOR A
FISHING LICENCE

For official use only	Remarks
Nationality:	
Licence No:	
Date of signing:	
Date of issue:	

APPLICANT

Name of firm:

Number and date of authorization of the company:

Trade register No (*):

First name and surname of applicant:

Date and place of birth:

Occupation:

Number of levy payer's account (*):

Address:

.....

No of employees (*): Permanent (*): Temporary (*):

Name and address of co-signatory:

.....

Annual turnover figure (*):

VESSEL

Type of vessel: Registration No:

New name: Former name:

Date and place of construction (*):

Original nationality:

Date of assumption of Senegalese flag (*):

Provisional Period granted Permanent

Length: Beam: Hold:

Gross tonnage: Net tonnage:

Type of building materials: Draught:

Make of main engine: Type: Ratings:

Propeller: Fixed ☐ Variable ☐ Ducted ☐

Transit speed:

Call sign: Call frequency:

LIST OF NAVIGATION, SOUNDING AND TRANSMISSION INSTRUMENTS

Radar	☐	Sonar	☐	VHF radio	☐
Satellite navigation	☐	Netsonde	☐	HF, BLU radio	☐
Automatic pilot	☐	Scanmar	☐	Telex	☐
Route plotter	☐				

Other:

.....

(*) Optional for foreign vessels.

CONSERVATION

Packed in ice ☐Ice + refrigeration ☐Freezing in brine ☐Dry ☐Refrigerated sea water ☐

Total refrigerating power:

Freezing capacity in tonnes/24 hours:

Hold capacity:

TYPE OF FISHING

A. Inshore demersal

Shrimp ☐Fish and cephalopod ☐Type of fishing gear: Fish ☐Shrimps ☐Long line fishing ☐

1. Length of trawl: Headline:

Mesh size in the body: In the wings:

2. Length of line: Number of hooks:

Number of lines: Size of hooks:

B. Deep-sea demersal

Shrimp ☐Fish ☐Type of fishing gear: Shrimp ☐Fish ☐Long line fishing ☐

1. Length of trawl: Headline:

Mesh size in the body: In the wings:

2. Length of line: Number of hooks:

Number of lines: Size of hooks:

C. Inshore pelagic

Pelagic trawler ☐Seine ☐

1. Length of trawl: Headline:

Mesh size in the body:

2. Length of seine: Depth of seine:

Mesh dimension (drawn):

D. Deep sea pelagic (tuna)

Type of fishing gear: Seine ☐ Pole and line ☐ Long line ☐

1. Length of seine: Depth of seine:

Mesh dimension (drawn):

2. Number of poles and lines:

3. Long line

Length of lines: Number of hooks:

Number of lines: Size of hooks:

Number of pots: Capacity in tonnes:

E. Longlines and pots

Number of pots: Material:

Length (base diameter): Width (upper diameter):

Diameter of openings: Method of cover:

Mesh (cover):

SHORE INSTALLATIONS (*)

Address and permit No:

Name of firm:

Activities:

Domestic wholesale fish trade ☐Export ☐

Type and No of wholesale trader's card:

Description of processing and conservation plant:

.....

.....

.....

.....

.....

No of employees: Senegalese: Foreigners:

Permanent: Temporary:

(*) Optional for foreign vessels.

Technical remarks of the Director of Fisheries

Authorization of the State Secretariat for Animal Resources

STATEMENT OF CATCH MADE BY VESSELS USING LONG LINES AND POTS

SPACING OF CATCH EQUIPMENT (Hooks or pots):

TYPE OF FISHING (long lines or pots):

[illegible]

Appendix 3

STATEMENT OF CATCH BY BOTTOM TRAWLERS

Voyage from: to:
NAME OF VESSEL:
TYPE: Wet or freezer
NATIONALITY:

Species	Dates						
Fishing zone ⁽¹⁾							
Souder							
Time of fishing							
Total weight of catch							
Total weight thrown back							

(1) Dakar North, Petite-Côte or Casamance.

Appendix 4

STATEMENT OF CATCH BY TUNA VESSELS

Voyage from: to:

NAME OF VESSEL:

TYPE: Pole and line or seine

NATIONALITY:

Catch from Senegal's economic zone

(in tonnes)

Species	Tonnage landed	Tonnage not landed	Thrown back	Total
Albacore				
Skipjack				
Bigeye				
Thunnidae + Bonito				
Other species				
Total				

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 22 July 1993

concerning the amendment of the Agreement between the European Economic Community, the Kingdom of Norway and the Kingdom of Sweden on civil aviation

(93/453/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 84 (2) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas Council Decision 92/384/EEC of 22 June 1992 concerning the conclusion of an Agreement between the European Economic Community, the Kingdom of Norway and the Kingdom of Sweden on civil aviation ⁽²⁾ established a uniform system of rules concerning market access, airline capacity as well as price setting in the field of civil aviation;

Whereas, since the conclusion of the Agreement, new legislation in the field of civil aviation has been adopted in the Community; whereas Article 12 of the Agreement provides for the integration into the Agreement of amendments made to the legislation of each Party;

Whereas, in these exceptional circumstances, it is appropriate to amend Article 19 of the Agreement to ensure that the objective of the Agreement, a uniform

system of rules throughout the Community, Norway and Sweden, will be met also after the entry into force of an Agreement between the Community and EFTA countries on the European Economic Area;

Whereas the Council decided in its meeting of 22 July 1993 that these amendments should be made and has authorized the Commission to conduct negotiations with Norway and Sweden with a view to making the necessary amendments;

Whereas the Commission has conducted the negotiations in coordination and close cooperation with the Member States throughout the negotiating process,

HAS DECIDED AS FOLLOWS:

Article 1

The decision of the Joint Committee established under Article 13 of the Agreement between the European Economic Community, the Kingdom of Norway and the Kingdom of Sweden on civil aviation to integrate into the said Agreement legislation adopted in the Community after the negotiations of that Agreement is hereby approved on behalf of the Community.

⁽¹⁾ Opinion delivered on 16 July 1993 (not yet published in the Official Journal).

⁽²⁾ OJ No L 200, 18. 7. 1992, p. 20.

The decision of the Joint Committee is attached to this Decision.

Article 2

The Agreement between the European Economic Community, the Kingdom of Norway and the Kingdom of Sweden to amend Article 19 (3) of the Agreement between the said parties on civil aviation is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 3

The President of the Council shall carry out the necessary formalities as provided for in Article 23 of the Agreement.

Article 4

This Decision shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

Done at Brussels, 22 July 1993.

For the Council

The President

M. OFFECIERS-VAN DE WIELE

DECISION OF THE JOINT COMMITTEE

of 26 March 1993

I

Pursuant to Article 12 (3) of the Agreement between the European Economic Community, the Kingdom of Norway and the Kingdom of Sweden on civil aviation, the Joint Committee has decided that the following Regulations and Directive shall be integrated into the Agreement and be added to the list in Annex I thereto.

21. (EEC) No 2407/92

Council Regulation of 23 July 1992 on licensing of air carriers.

Articles 1 to 18.

22. (EEC) No 2408/92

Council Regulation of 23 July 1992 on access for Community air carriers to intra-Community air routes.

Articles 1 to 15.

The list of category 1 airports set out in Annex I to the Regulation shall be supplemented as follows:

- Norway: Oslo airport system,
- Sweden: Stockholm airport system.

The list of airport systems set out in Annex II to the Regulation shall be supplemented as follows:

- Norway: Oslo — Fornebu/Gardermoen,
- Sweden: Stockholm — Arlanda/Bromma.

23. (EEC) No 2409/92

Council Regulation of 23 July 1992 on fares and rates for air carriers.

Articles 1 to 11.

24. (EEC) No 1284/91

Council Regulation of 14 May 1991 amending Regulation (EEC) No 3975/87 laying down the procedure for the application of the rules on competition to undertakings in the air transport sector.

Article 1.

Any reference to Articles 85 and 86 in this Regulation shall be understood to mean Article 4 or 5 of this Agreement respectively.

25. (EEC) No 2410/92

Council Regulation of 23 July 1992 amending Regulation (EEC) No 2975/87 laying down the procedure for the application of the rules on competition to undertakings in the air transport sector.

Article 1.

Any reference to Articles 85 and 86 in this Regulation shall be understood to mean Article 4 or 5 of this Agreement respectively.

26. (EEC) No 2411/92

Council Regulation of 23 July 1992 amending Regulation (EEC) No 3976/87 on the application of Article 85 (3) of the Treaty to certain categories of agreements and concerted practices in the air transport sector.

Article 1.

Any reference to Articles 85 and 86 in this Regulation shall be understood to mean Article 4 or 5 of this Agreement respectively.

27. (EEC) No 3922/91

Council Regulation of 16 December 1991 on the harmonization of technical requirements and administrative procedures in the field of civil aviation.

Articles 1 to 3, 5 to 11, 13.

28. 91/670/EEC

Council Directive of 16 December 1991 on mutual acceptance of personnel licences for the exercise of functions in civil aviation.

Articles 1 to 7.

29. (EEC) No 95/93

Council Regulation of 18 January 1993 on common rules for the allocation of slots at Community airports.

Articles 1 to 13.

The territory of Svalbard shall be exempted from the application of the Regulations and Directive listed above.

II

In order to safeguard the proper functioning of the Agreement, the Joint Committee in accordance with Article 12 (3) recommends the Contracting Parties to amend the Agreement as set out in the Annex to the Decision.

III

Pursuant to Article 14 (3) of the Agreement, the Decision in I above is subject to approval or ratification by the Contracting Parties in accordance with their own procedures.

This Decision shall enter into force on 1 July 1993 or on the date on which the last instrument of ratification has been deposited in accordance with Article 23 (3) of the Agreement whichever date is the later.

AGREEMENT

between the European Economic Community, the Kingdom of Norway and the Kingdom of Sweden on civil aviation

THE EUROPEAN ECONOMIC COMMUNITY, THE KINGDOM OF SWEDEN AND THE KINGDOM OF NORWAY,

HAVE AGREED AS FOLLOWS:

Article 1

Article 19 (3) of the Agreement will be replaced by the following:

Whereas the Agreement between the European Economic Community, the Kingdom of Norway and the Kingdom of Sweden on civil aviation, hereinafter referred to as the Agreement, entered into force on 6 July 1992;

'3. This Agreement shall cease to be in force from the date on which an agreement between the Community and EFTA countries of the European Economic Area (EEA) enters into force.

Whereas the Agreement establishes a uniform system of rules in the field of civil aviation;

However, as far as legislation mentioned in the Annex to the said Agreement and adopted in accordance with Article 12 (3) is concerned, this Agreement shall continue to apply to the extent that the same subject matter is not governed by the EEA Agreement.

Whereas, since the conclusion of this Agreement, new legislation in the field of civil aviation has been adopted in the Community; whereas Article 12 of the Agreement provides for the integration in the Agreement of amendments made to the legislation of each Party;

If this Agreement has continued to apply in part for 18 months after the entry into force of the EEA Agreement, the Joint Committee shall meet to decide upon the continued application of this Agreement. If the Joint Committee does not decide otherwise, this Agreement shall cease to be in force two years after the entry into force of the EEA Agreement.

Whereas the Joint Committee, in accordance with Article 12 of the Agreement, decided on 26 March 1993 to integrate this new legislation into the Agreement;

In a case where the application of this Article conflicts with provisions of the EEA Agreement the latter shall prevail.'

Whereas this new legislation anticipates legislation that will be applicable under the EEA Agreement at the moment the internal procedures for its inclusion in the EEA Agreement are completed;

Article 2

This Agreement shall be subject to approval or ratification in accordance with the Contracting Parties' own procedures and the Parties shall notify each other of the completion of the procedures necessary for that purpose.

Whereas Article 19 (3) of the Agreement provides that the Agreement shall cease to be in force from the date an agreement between the Community and EFTA countries on the European Economic Area enters into force;

This Agreement shall enter into force on the date on which the last instrument of ratification has been deposited. It shall be published in the *Official Journal of the European Communities*.

Whereas, in order to ensure that the objective of the Agreement, a uniform system of rules throughout the Community, Norway and Sweden will be met also after the entry into force of the EEA Agreement for the time required to complete the procedures to supplement the legislation in the EEA Agreement, it is important that the Agreement remains in force for a limited period of time;

This Agreement and the instruments of ratification shall be deposited in the archives of the Secretariat of the Council of the European Communities, which shall deliver a certified copy thereof to each Contracting Party.

Article 3

Whereas, in view of these exceptional circumstances, this Agreement does not prejudice in any way the provisions of the EEA Agreement and in particular not the application of Article 120 of the EEA Agreement,

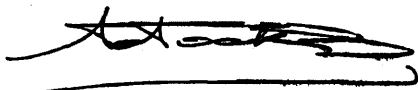
This Agreement is drawn up in all the official languages: Danish, Dutch, English, French, German, Greek, Italian, Portuguese, Spanish, of the Community as well as in the Norwegian and Swedish languages, all texts being equally authentic.

Done at Brussels, on the twenty-eighth of July of the year one thousand nine hundred and ninety-three,

*For the Council of the
European Communities*

*For the Kingdom
of Norway*

*For the Kingdom
of Sweden*



Jørgen Tordrup

