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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1892/95

of 29 June 1995

on the conclusion of the Protocol establishing for the period 1 July 1994 to 30 June 1997 the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Equatorial Guinea on fishing off the coast of Equatorial Guinea

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43, in conjunction with Article 228 (2) and (3) first subparagraph,

Having regard to the proposal from the Commission,

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

Whereas, pursuant to the Agreement between the European Economic Community and the Government of the Republic of Equatorial Guinea on fishing off the coast of Equatorial Guinea ⁽²⁾, the two Parties conducted negotiations to determine the amendments or additions to be made to the Agreement at the end of the period of application of the Protocol;

Whereas, as a result of these negotiations, a new Protocol establishing the fishing rights and financial compensation provided for in the abovementioned Agreement for the period 1 July 1994 to 30 June 1997 was initialled on 30 June 1994;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Protocol establishing, for the period 1 July 1994 to 30 June 1997, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Equatorial Guinea on fishing off the coast of Equatorial Guinea 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*.

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

Done at Luxembourg, 29 June 1995.

For the Council

The President

J. BARROT

⁽¹⁾ OJ No C 56, 6. 3. 1995, p. 197.

⁽²⁾ OJ No L 188, 16. 7. 1984, p. 2. Agreement amended by the Agreement approved by Regulation (EEC) No 252/87 (OJ No L 29, 30. 1. 1987, p. 1).

PROTOCOL

establishing for the period from 1 July 1994 to 30 June 1997 the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Equatorial Guinea on fishing off the coast of Equatorial Guinea

Article 1

For a period of three years from 1 July 1994, the fishing rights granted pursuant to Article 2 of the Agreement shall be:

- freezer tuna seiners: 47 vessels,
- pool-and-line tuna vessels: two vessels,
- surface longliners: four 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 412 500, payable in three equal annual instalments. This compensation shall cover a catch weight in waters of Equatorial Guinea of 2 750 tonnes of tuna fished per year. If the tuna caught by Community vessels in Equatorial Guinea's fishing zone exceeds this weight, the amount referred to above shall be proportionately increased.

2. The use to which this compensation is put shall be the sole responsibility of the Government of the Republic of Equatorial Guinea.

3. The compensation shall be paid into account No 4160 of the Treasury of Equatorial Guinea, opened at the 'Banque des Etats d'Afrique Centrale' (BEAC) in Malabo. Any changes shall be notified to the Commission of the European Communities.

Article 3

The Community shall also contribute, during the period referred to in Article 1, the sum of ECU 120 000 towards the financing of an Equatorial Guinea scientific or technical programme to improve information on the fishery resources within the exclusive economic zone of Equatorial Guinea.

This sum shall be made available to the Government of the Republic of Equatorial Guinea and paid into the account indicated by the Equatorial Guinea authorities.

The competent authorities of Equatorial Guinea shall send to the Commission a brief report on the utilization of the funds.

Article 4

The two Parties agree that improving the skills of those involved in sea fishing is a vital element in the success of their cooperation. To that end, the Community shall make it easier for nationals of Equatorial Guinea to find places in training establishments in its Member States and shall provide for that purpose, during the period referred to in Article 1, awards for study and practical training in the various scientific, technical and economic disciplines relating to fisheries. The awards may also be used in any State linked with the Community by a cooperation agreement. The total cost of the awards may not exceed ECU 127 500. At the request of the Equatorial Guinea authorities, part of this sum may be used to cover the costs of participation in international meetings or training courses concerning fisheries.

The sum shall be payable as and when it is used.

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 Republic of Equatorial Guinea on fishing off the coast of Equatorial Guinea 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 with effect from 1 July 1994.

ANNEX

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

A. Licence application and issuing formalities

The procedure for applications for, and issue of, the licences enabling vessels flying the flags of the Member States of the Community to fish in Equatorial Guinea's fishing zone shall be as follows:

The relevant Community authorities shall present to the Ministry of Water, Forestry and Reafforestation of the Republic of Equatorial Guinea, via the delegation of the Commission of the European Communities in Equatorial Guinea, an application for each vessel that is to be used for fishing under the Agreement.

The applications shall be made on the forms provided for that purpose by the competent authorities of the Republic of Equatorial Guinea, a specimen of which is attached hereto (Annex 1).

Once signed, the licences shall be issued by the Equatorial Guinea authorities to the shipowners or their representatives via the delegation of the Commission of the European Communities in Equatorial Guinea within 15 working days of the date on which the application was submitted.

However, at the request of the European Economic Community and where *force majeure* is proven, 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 Water, Forestry and Reafforestation of the Republic of Equatorial Guinea via the delegation of the Commission of the European Communities.

The new licence shall indicate:

- the date of issue,
- the fact that the licence cancels and replaces that granted to the previous vessel.

In this case, no new lump sum shall be due.

The licence document must be held on board at all times. However, on receipt of the notification of the advance payment sent by the Commission of the European Communities to the authorities of Equatorial Guinea, the vessel will be included on a list to be notified to the fisheries control authorities of Equatorial Guinea. Whilst awaiting receipt of the licence document, a fax copy of this licence document may be obtained and shall be kept on board, which will authorize the vessel to fish, pending delivery on board of the licence document.

Licences shall be valid for a period of one year. They are renewable.

The fees shall be ECU 20 per tonne caught within Equatorial Guinea's fishing zone.

The competent authorities of Equatorial Guinea shall indicate the detailed rules for payment of the fees, in particular the bank accounts and currencies to be used.

Licences shall be issued following payment to the Ministry of Water, Forestry and Reafforestation of a lump sum of ECU 1 000 a year for each tuna seiner and ECU 200 a year for each pole-and-line tuna vessel and surface longliner.

B. Declaration of catches and breakdown of fees due by shipowners

The captain shall complete a fishing form corresponding to the model given in Annex 2 for each period spent fishing in Equatorial Guinea's fishing zone.

The form, which must be legible and signed by the captain of the ship, shall be sent without delay to Orstom or Spanish Oceanographical Institute, for processing.

Should this provision not be adhered to, the Government of Equatorial Guinea reserves the right to suspend the licence of the offending vessel until the formality has been complied with and to apply the penalties laid down under fisheries law No 2/1987 of 16 February 1987.

Member States shall inform the Commission of the European Communities before 15 April of the tonnages caught during the past year, as confirmed by the scientific institutes. On the basis of those figures the Commission shall establish a breakdown of the fees due in respect of a fishing year which it shall then send to the authorities of Equatorial Guinea for their comments.

Shipowners shall be notified by the Commission of the European Communities of this breakdown by the end of April at the latest and shall have 30 days in which to meet their financial obligations. The shipowner cannot recover the balance in cases where the amount payable in respect of actual fishing operations is less than the advance payment.

C. Inspection and monitoring

Any Community vessel fishing in Equatorial Guinea's fishing zone shall allow on board any official of Equatorial Guinea responsible for inspection and monitoring and shall assist him in the accomplishment of his duties. The official must not remain on board any longer than is necessary for the verification of catches by random checks and for any other inspection relating to fishing activities.

D. Fishing zones

The vessels referred to in Article 1 of the Protocol shall be authorized to fish in waters beyond four nautical miles from the base lines.

E. Entering and leaving the zone

All Community vessels fishing under the Agreement in the Equatorial Guinea zone shall communicate to the radio station indicated on the licence the date and time and their position when entering and leaving the Equatorial Guinea fishing zone.

F. Procedure in case of boarding

1. The delegation of the Commission of the European Communities in Equatorial Guinea shall be notified within two working days of any boarding within the Equatorial Guinea exclusive economic zone of a fishing vessel flying the flag of a Member State of the Community and holding a valid licence granted under the Agreement. The delegation shall at the same time receive a brief report of the circumstances and reasons leading to the boarding.
2. Before any measures regarding the master or the crew of the vessel or any action regarding the cargo and equipment of the vessel are considered, other than those to safeguard evidence relating to the presumed infringement, a consultation meeting shall be held, within one working day from the receipt of the abovementioned information, between the delegation of the Commission of the European Communities in Equatorial Guinea, the Fisheries Department and the inspection authorities, possibly attended by a representative of the Member State concerned. At the meeting, the parties shall exchange any relevant documentation or information helping to clarify the circumstances of the established facts. The shipowner or his representative shall be informed of the outcome of the meeting and of any measures resulting from the boarding.
3. Before any judicial procedure, an attempt shall be made to resolve the presumed infringement through a compromise procedure. This procedure shall end no later than three working days after the boarding.

4. Should the case not be settled by means of compromise, and therefore be brought before a competent Equatorial Guinea judicial body, a reasonable bank security shall be fixed by the competent authority within two working days, following the conclusion of the compromise procedure, pending the judicial decision. The bank security shall be released by the competent authority once the master of the vessel concerned has been acquitted by the judicial decision.
 5. The vessel and its crew shall be released either:
 - at the end of the consultation meeting, if the established facts permit, or
 - on receipt of payment of a fine (compromise procedure), or
 - once a bank security is deposited (judicial procedure).
 6. Should one of the Parties consider that there is a problem in the application of the abovementioned procedure, it may request urgent consultations under Article 8 of the Agreement.
-

Annex 1

REPUBLIC OF EQUATORIAL GUINEA

APPLICATION FOR A FISHING LICENCE

1. Valid from: to
2. Name of vessel:
3. Name of shipowner:
4. Port and registration number:
5. Type of fishing:
6. Authorized mesh size:
7. Length of vessel:
8. Width of vessel:
9. Gross registered tonnage:
10. Hold capacity:
11. Engine rating:
12. Type of construction:
13. Usual number of seamen aboard:
14. Radio/electrical equipment:
15. Master's name:

The above information is the sole responsibility of the shipowner or his representative.

Date of application:

ICCAT LOGBOOK for TUNA FISHERY

Vessel name

Gross tonnage

Flag country

Capacity (M. T.)

Registration No

Captain

Company or owner

No of crew

Address

Reporting date

Reported by

Boat LEFT

Boat RETURNED

Number of days at sea

month

day

year

port

Longline

Baitboat

Purse seine

Trolling

Others

Page

of

pages

Sunr. Water Temp.

(in °C)

Effort

(Number of hooks used)

Area

Latitude N or S

Longitude E or W

Dates

Month

Day

Bluefin tuna
Thunnus thynnus or maccoyii

weight
number fish in kg

Yellowfin tuna
Thunnus albacares

No

kg

Bigeye tuna
Thunnus obesus

No

kg

Albacore
Thunnus alalunga

No

kg

Swordfish
Xiphias gladius

No

kg

Striped marlin
White marlin Tetrapurus audax or albidus

No

kg

Black marlin
Makaira indica

No

kg

Sailfish
Istiophorus albicans or platypterus

No

kg

Skipjack
Katsuwonus pelamis

No

kg

Miscellaneous fishes

No

Sp

kg

Daily total
(in weight kg only)

0 1

0 2

0 3

0 4

0 5

0 6

0 7

0 8

0 9

1 0

1 1

1 2

1 3

1 4

1 5

1 6

1 7

1 8

1 9

2 0

2 1

2 2

2 3

2 4

2 5

2 6

2 7

2 8

2 9

3 0

3 1

Landing weight (in kg)

C A T C H E S

Trips made

19

—

Bait used

Sauy

Squid

Livebait

Others

Remarks:

1. Use one sheet per month, and one line per day.
2. At the end of each trip, forward a copy of the log to your correspondent or to CCAT, General Moja 17, Madrid 1, Spain.
3. 'Day' refers to the day you set the line.
4. Fishing area refers to the noon position of the boat. Round off minutes, and record degrees of latitude and longitude. Be sure to record N/S and E/W.
5. The bottom line ('landing weight') should be completed only at the end of the trip. Actual weight at the time of unloading should be recorded.
6. All information reported herein will be kept strictly confidential.

COUNCIL REGULATION (EC) No 1893/95

of 29 June 1995

relating to the conclusion of the Protocol setting out the fishing opportunities and financial consideration provided for in the Agreement between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off Comoros for the period 20 July 1994 to 19 July 1997

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof in conjunction with the first sentence of Article 228 (2) and the first subparagraph of Article 228 (3),

Article 1

Having regard to the proposal from the Commission,

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

Whereas, in accordance with the Agreement between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off Comoros ⁽²⁾, the two Contracting Parties held negotiations with a view to determining amendments or additions to be made to the Agreement at the end of the period of application of the Protocol annexed thereto;

The Protocol setting out the fishing opportunities and financial consideration provided for in the Agreement between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off Comoros for the period 20 July 1994 to 19 July 1997 is hereby approved on behalf of the Community.

The text of the Protocol is attached hereto.

Whereas, as a result of those negotiations, a new Protocol defining the fishing opportunities and financial consideration provided for in the abovementioned Agreement for the period from 20 July 1994 to 19 July 1997 was initialled on 18 July 1994;

Article 2

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

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

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

Done at Luxembourg, 29 June 1995.

*For the Council**The President*

J. BARROT

⁽¹⁾ OJ No C 89, 10. 4. 1995, p. 196.

⁽²⁾ OJ No L 137, 2. 6. 1988, p. 19.

PROTOCOL

setting out the fishing opportunities and financial consideration provided for in the Agreement between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off Comoros for the period 20 July 1994 to 19 July 1997

Article 1

1. Pursuant to Article 2 of the Agreement, licences authorizing simultaneous fishing in Comorian waters shall be granted to 37 ocean-going freezer tuna vessels for a period of three years beginning on 20 July 1994.

2. In addition, at the request of the Community, certain authorizations may be granted to other categories of fishing vessel under terms to be defined by the Joint Committee referred to in Article 7 of the Agreement.

Article 2

1. The financial consideration referred to in Article 6 of the Agreement shall be fixed at ECU 675 000 for the period provided for in Article 1 of this Protocol, payable in three equal annual instalments. That amount shall cover an annual catch of 4 500 tonnes of tuna in Comorian waters. If the tuna caught by Community vessels in Comorian waters exceeds that weight, the abovementioned amount shall be increased proportionately.

2. The use to which the contribution is to be put shall fall within the exclusive competence of the Government of the Islamic Federal Republic of the Comoros.

Article 3

1. The Community shall also contribute, during the period referred to in Article 1, to the financing of Comorian scientific or technical programmes (equipment, infrastructure, reinforcement of administrative and training structures in the fishing sector, etc.) designed to improve knowledge of fishery resources in Comorian waters.

2. The contribution shall be ECU 260 000 for the duration of this Protocol.

3. The authorities of the Comoros shall forward a brief report on the way that amount is used to the Commission staff.

4. The Community's contribution to the scientific or technical programmes shall be paid to an account indicated on each occasion by the Ministry of

Production, Rural Development, Industry and the Environment.

Article 4

1. The Contracting Parties hereby agree that improving the skills and knowledge of those concerned with sea fishing is essential to the success of their cooperation. To that end, the Community shall facilitate the entry of Comorian nationals to establishments in its Member States and for that purpose shall make available to them grants for study or practical training courses lasting a maximum of five years in the various scientific, technical and economic fields linked to fishing. The total cost of such grants may not exceed ECU 145 000. The grants may also be used in any country linked to the Community by a cooperation agreement.

2. A part of the amount referred to in paragraph 1, which must not exceed ECU 45 000, may be used, at the request of the Comorian authorities, to cover the costs of participation in international meetings relating to fishing.

3. The amount referred to in paragraph 1 shall be payable as it is used.

Article 5

Should the Community fail to make the payments provided for in Articles 2 and 3, the Fishing Agreement may be suspended.

Article 6

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

Article 7

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

It shall apply from 20 July 1994.

ANNEX

CONDITIONS FOR THE PURSUIT OF FISHING ACTIVITIES BY COMMUNITY VESSELS IN COMORIAN WATERS

1. Application for and issue of licences

The procedure for application for, and issue of, the licences allowing Community vessels to fish in Comorian waters shall be as follows:

- (a) the Commission of the European Communities, through its representative of the Commission in Comoros, shall submit to the fishing authorities of the Comoros at least 20 days before the date of commencement of the period of validity requested, an application in respect of each vessel wishing to fish under this Agreement, drawn up by the owner. The applications shall be made on the forms provided for that purpose by Comoros, a specimen of which is attached;
- (b) licences are issued to a shipowner for a specific 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 issued for another Community vessel;
- (c) the licence shall be delivered by the authorities of the Comoros to the representative of the Commission of the European Communities in Comoros;
- (d) licences must be held on board at all times; however, the authorities of the Comoros shall upon receipt of notification from the Commission of the European Communities that advance payment has been made, enter the vessel concerned in the list of vessels with authorization to fish, which is sent to the control authority of Comoros. Pending receipt of the original of the licence, a copy of the licence that has been drawn up may be issued by telefax to be held on board the vessel;
- (e) before the entry into force of the Agreement the authorities of the Comoros shall communicate the arrangements for payment of the licence fees, in particular the details of the bank accounts and the currencies to be used.

2. Validity of licences and payment of fees

- (a) Licences shall be valid for one year. They shall be renewable.
- (b) The licence fee shall be set at 20 ECU/tonne of tuna caught in Comorian waters.

Licences shall be issued following advance payment to Comoros of a lump sum of ECU 1 500 a year for each tuna seiner, equivalent to fees for a catch of 75 tonnes of tuna a year in Comorian waters.

The captain shall complete a fishing form corresponding to the model given in Appendix 2 for each period spent fishing in the Comorian fishing zone. The form may be replaced during the period of application of the Protocol by another document devised for the same purpose by an international organization responsible for tuna fishing in the Indian Ocean after the agreement of the Joint Committee referred to in Article 7 of the Fisheries Agreement.

The form, which must be legible and signed by the captain of the ship, shall be sent to l'Office de la recherche scientifique et technique d'outre-mer (Office of Overseas Scientific and Technical Research) and El Instituto Oceanografico Español (Spanish Oceanographical Institute) for processing within one month of the end of each calendar quarter.

Member States shall inform the Commission of the European Communities before 15 April of the tonnages caught during the past year, as confirmed by the scientific institutes. On the basis of those figures the Commission shall establish a breakdown of the fees due in respect of a fishing year which it shall then send to the authorities of the Comoros for their comments.

Shipowners shall be notified by the Commission of the European Communities of this breakdown by the end of April at the latest and shall have 30 days in which to meet their financial obligations. The shipowner cannot recover the balance in cases where the amount payable in respect of actual fishing operations is less than the advance payment.

3. Observers

At the request of the authorities of the Comoros tuna vessels shall take on board an observer designated by the authorities in order to check catches made in Comorian waters. Observers shall have all facilities, including access to parts of the ship and documents, necessary for the performance of their duties. Observers shall not remain on board for longer than the time required to carry out their duties. Observers shall be provided with suitable food and accommodation while on board. Should a tuna vessel with a Comorian observer on board leave Comorian waters, every step shall be taken to ensure that the observer returns to Comoros as soon as possible, at the shipowner's expense.

4. Radio communications

Whenever Community vessels enter or leave Comorian waters they must contact the Comorian radio station to notify their position and the quantities of fish on board. The call sign and frequency shall be notified to shipowners when the fishing licence is issued.

In cases where radio communication cannot be used, vessels may use alternative means of communication, such as telefax.

5. Fishing zones

To avoid adverse effects on small-scale fisheries in Comorian waters, Community tuna vessels shall not be allowed to fish within 10 nautical miles of any of the islands nor within a radius of three nautical miles of fish aggregating devices placed by the authorities of the Comoros, the positions of which have been communicated to the representative of the Commission of the European Communities in Comoros.

These provisions may be reviewed by the Joint Committee referred to in Article 7 of the Agreement.

6. Ownership of rare species

Any coelacanth (*Latimeria chalumnae*) caught by a Community vessel authorized to fish in Comorian waters remains the property of Comoros and must be turned over, without charge, to the port authorities of Moroni or Mutsamudu immediately in the best state possible.

7. Transshipment

Community vessel owners must give consideration to the existence of the harbour facilities of Mutsamudu for any transshipment operations.

Appendix 1

LICENCE APPLICATION FORM FOR A FOREIGN FISHING VESSEL

Name of applicant:

Address of applicant:

.....

Name and address of charterer of vessel if different from above:

.....

Name and address of representative (agent) in Comoros:

.....

Name of vessel:

Type of vessel:

Country of registry:

Port and registration number:

Vessel's external identification:

Radio call sign and frequency:

Length of vessel:

Width of vessel:

Engine type and horse power:

Gross registered tonnage of vessel:

Net registered tonnage of vessel:

Minimum crew:

Type of fishing:

Proposed catch species:

.....

Period of validity requested:

I, the undersigned, certify that the above particulars are correct.

Date:

Signature:

ICCAT LOGBOOK for TUNA FISHERY

Vessel name	Gross tonnage	
Flag country	Capacity (M. T.)	
Registration No	Captain	
Company or owner	No of crew	
Address	Reporting date	
	Reported by	

month	day	year	port
		19	
Boat LEFT			
Boat RETURNED			

Number of days at sea	days	Number of fishing days or number of sets made	Trip number	Page	of	pages
				19	—	

- ☐ Longline
- ☐ Baitboat
- ☐ Purse seine
- ☐ Trolling
- ☐ Others

Dates		Area		Surf. Water Temp. (in °C)	Effort (Number of hooks used)	C A T C H E S														Bait used					
Month	Day	Latitude N or S	Longitude E or W			Bluefin tuna <i>Thunnus thynnus</i> or <i>maccoyii</i>	Yellowfin tuna <i>Thunnus albacares</i>	Bigeye tuna <i>Thunnus obesus</i>	Albacore <i>Thunnus alalunga</i>		Swordfish <i>Xiphias gladius</i>		Striped marlin White marlin <i>Tetrapturus audax</i> or <i>albidus</i>		Black marlin <i>Makaira indica</i>		Sailfish <i>Istiophorus</i> <i>albicans</i> or <i>platypterus</i>		Skipjack <i>Katsuwonus</i> <i>pelamis</i>		Miscellaneous fishes		Daily total (in weight kg only)	Saury	Squid
					number fish	weight in kg	No	kg	No	kg	No	kg	No	kg	No	kg	No	kg	No	kg					
	0 1																								
	0 2																								
	0 3																								
	0 4																								
	0 5																								
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	2 5																								
	2 6																								
	2 7																								
	2 8																								
	2 9																								
	3 0																								
	3 1																								
Landing weight (in kg)																									

Remarks:

1. Use one sheet per month, and one line per day.

2. At the end of each trip, forward a copy of the log to your correspondent or to ICCAT, General Mola 17, Madrid 1, Spain.

3. 'Day' refers to the day you set the line.

4. Fishing area refers to the noon position of the boat. Round off minutes, and record degrees of latitude and longitude. Be sure to record N/S and E/W.

5. The bottom line ('landing weight') should be completed only at the end of the trip. Actual weight at the time of unloading should be recorded.

6. All information reported herein will be kept strictly confidential.

COUNCIL REGULATION (EC) No 1894/95

of 29 June 1995

on the conclusion of the Protocol establishing the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Côte d'Ivoire on fishing off the coast of Côte d'Ivoire for the period from 1 July 1994 to 30 June 1997

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof in conjunction with the first sentence of Article 228 (2) and the first subparagraph of Article 228 (3),

Having regard to the proposal from the Commission,

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

Whereas, pursuant to the Agreement between the European Economic Community and the Republic of Côte d'Ivoire on fishing off the coast of Côte d'Ivoire ⁽²⁾, the two Parties conducted negotiations to determine the amendments or additions to be made to the Agreement at the end of the period of application of the Protocol annexed thereto;

Whereas, as a result of these negotiations, a new Protocol establishing the fishing rights and financial compensation provided for in the abovementioned Agreement for the period from 1 July 1994 to 30 June 1997 was initialled on 29 June 1994;

Whereas it is in the Community's interest to conclude the new Protocol,

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

Done at Luxembourg, 29 June 1995.

Article 1

The Protocol establishing the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Republic of Côte d'Ivoire on fishing off the coast of Côte d'Ivoire for the period from 1 July 1994 to 30 June 1997 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

J. BARROT

⁽¹⁾ OJ No C 109, 1. 5. 1995, p. 279.

⁽²⁾ OJ No L 379, 31. 12. 1990, p. 3.

PROTOCOL

establishing the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Republic of Côte d'Ivoire on fishing off the coast of Côte d'Ivoire

Article 1

From 1 July 1994 and for a period of three years, fishing rights pursuant to Article 2 of the Agreement shall be as follows:

- (a) freezer trawlers designed to fish demersal species, taking deepwater crustaceans, cephalopods and demersal fish: 600 GRT per month, averaged over the year;
- (b) surface longliners and pole-and-line tuna vessels: seven vessels;
- (c) tuna seiners: 46 vessels.

Article 2

The fishing rights referred to in Article 1 may be increased at the request of the Community if they do not thereby compromise the rational exploitation of Côte d'Ivoire's resources.

In this case the financial compensation referred to in Article 3 (1) shall be increased proportionately and pro rata temporis.

Article 3

1. For the period referred to in Article 1 the total financial contribution referred to in Article 8 of the Agreement shall be ECU 2,5 million, including ECU 2,1 million in financial compensation payable in three equal annual instalments.

2. For tuna fishing, this total financial contribution shall cover a catch of 7 500 tonnes a year in Côte d'Ivoire waters. If the catch of Community vessels in Côte d'Ivoire waters in any one year exceeds this amount the compensation shall be increased by ECU 50 per additional tonne.

The share of trawlers in the total contribution shall be ECU 700 000.

3. Financial compensation shall be paid into an account opened with a financial institution or any other body designated by the Côte d'Ivoire authorities.

4. The use to which the compensation is put shall be the sole responsibility of the Côte d'Ivoire Government.

Article 4

1. Out of the total contribution referred to in Article 3 (1), the Côte d'Ivoire authorities shall allocate ECU 250 000 over the period defined in Article 1, to the financing of scientific and technical programmes to promote better understanding of fisheries and the living resources of the fishing zone of Côte d'Ivoire. The amount shall be shared equally between the scientific and technical programmes.

After notification by the Côte d'Ivoire authorities of the content of the programmes, the corresponding amounts will be paid into the bank accounts designated by them.

2. The Côte d'Ivoire authorities shall report to the competent Commission departments on the implementation of the programmes.

3. Part of the amount referred to in paragraph 1, not exceeding 20 % of the total amount, may be used to cover Côte d'Ivoire's contributions to the international fishery organizations.

Article 5

1. Out of the total contribution referred to in Article 3 (1), the Côte d'Ivoire authorities shall allocate ECU 150 000 over the period defined in Article 1, to theoretical and practical training in the various scientific, technical and economic disciplines relating to fisheries. To that end, the Community shall make it easier for Côte d'Ivoire nationals to find places in establishments in its Member States.

Awards financed under this Article may be used in Côte d'Ivoire or any other country that has a cooperation agreement with the Community.

2. Part of the amount referred to in paragraph 1 may be used to cover the costs of participation in international meetings or training courses concerning fisheries.

3. The sum shall be payable as and when it is used.

Article 7

The Annex to the Agreement between the European Economic Community and the Republic of Côte d'Ivoire on fishing off the coast of Côte d'Ivoire shall be replaced by the Annex to this Protocol.

Article 6

Should the Community fail to make the payments provided for under Articles 3 and 4 of this Protocol, the obligations of Côte d'Ivoire resulting from the Fisheries Agreement may be suspended.

Article 8

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

It shall apply from 1 July 1994.

ANNEX

CONDITIONS FOR THE EXERCISE OF FISHING ACTIVITIES BY COMMUNITY VESSELS IN THE
CÔTE D'IVOIRE FISHING ZONE

A. Licence application and issuing formalities

1. The relevant Community authorities shall present to the Office of the Secretary of State for Fisheries of Côte d'Ivoire, via the Commission Delegation in Côte d'Ivoire, an application for each vessel wishing to fish under the Agreement, at least 45 days before the date of commencement of the period of validity requested.

The application shall be made on the forms provided for that purpose by Côte d'Ivoire, a specimen of which is attached hereto (Appendix 1).

Each licence application shall be 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 port taxes and service charges.

The authorities of Côte d'Ivoire shall give notice, before the Agreement enters into force, of the arrangements for payment of the fee, including information on bank accounts.

2. Licences shall be issued for a specific vessel and shall not be transferable.

However, at the request of the Commission of the European Communities, a vessel's licence shall, in the case of *force majeure*, be replaced by a new licence for another vessel with characteristics similar to those of the first vessel. The owner of the first vessel shall return the cancelled licence to the Office of the Secretary of State for Fisheries of Côte d'Ivoire via the Delegation of the Commission of the European Communities in Côte d'Ivoire.

The new licence shall indicate:

- the date of issue,
- the fact that it invalidates and replaces the licence of the previous vessel.

No fee as laid down in Article 4 (2) of the Agreement shall be due for any unexpired period of validity.

3. Licences shall be transmitted by the Côte d'Ivoire authorities to the Delegation of the Commission of the European Communities in Côte d'Ivoire within 45 days of receipt of the application.
4. The original of the licence must be held on board at all times and be presented at any time on request of the competent Côte d'Ivoire authorities.

However, for tuna seiners, pole-and-line tuna vessels and surface longliners, the Côte d'Ivoire authorities shall, upon receipt of notification from the Commission of the European Communities that advance payment has been made, enter the vessel concerned in the list of vessels with authorization to fish, which is sent to the control authority of Côte d'Ivoire. Pending receipt of the original of the licence, a copy of the licence that has been drawn up may be issued by telefax to be held on board the vessel.

5. Trawlers authorized under Article 2 of the Agreement must notify the competent Côte d'Ivoire authorities of any changes to the characteristics of a vessel as entered on the licence when issued and as listed in Appendix 1.

6. Any increase in gross registered tonnage of a trawler shall require a new licence application.

B. Provisions applicable to licences for tuna vessels and surface longliners

1. Licences shall be valid for one year. They shall be renewable.
2. The fee shall be set at ECU 20 per tonne of tuna caught within the Côte d'Ivoire fishing zone.
3. Licences shall be issued following payment of a lump sum of ECU 1 500 a year for each tuna seiner and ECU 200 a year for each pole-and-line tuna vessel and surface longliner, equivalent to the fees payable for a catch of:
 - 75 tonnes of tuna per year in the case of seiners,
 - 10 tonnes per year of species caught by pole-and-line tuna vessels and surface longliners.
4. 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 de recherche océanographique de Côte d'Ivoire (Côte d'Ivoire oceanographic research centre) on the other. The statement shall be forwarded simultaneously to the sea fishing services of Côte d'Ivoire and to the shipowners. Any additional payment due shall be made by the shipowners to the Côte d'Ivoire fishing services not 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.

5. The authorities of the Côte d'Ivoire shall communicate, before the entry into force of the Agreement, all information concerning the bank account to be used for the payment of the fees.

C. Provisions applicable to licences for freezer trawlers

1. In the case of freezer trawlers, licences shall be valid for three, six or 12 months. They shall be renewable.
2. The annual fee shall be fixed at the rate of ECU 130 per GRT.

Fees for licences for periods of less than one year shall be paid on a pro rata basis according to the length of time.

D. Statements of catch

1. Vessels authorized to fish in the Côte d'Ivoire fishing zone under this Agreement shall send their statements of catch to the sea-fishing services with a copy to the Delegations of the Commission of the European Communities in Côte d'Ivoire, as follows:
 - (a) trawlers shall notify their catches using the form given in Appendix 2. These statements shall be monthly and must be communicated at least once every three months;
 - (b) for tuna seiners, pole-and-line tuna vessels and surface longliners a fishing log shall be kept, in accordance with the model in Appendix 3 in the case of surface longliners and Appendix 4 in the case of seiners and pole-and-line vessels for each fishing period spent in the Côte d'Ivoire fishing

zone. The form shall either be collected in port by the relevant departments of the Centre de recherche océanographique de Côte d'Ivoire or sent to the same department within 45 days of the end of the fishing trip spent in the Côte d'Ivoire fishing zone.

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

2. Should these provisions not be adhered to, the Côte d'Ivoire authorities reserve 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 in Côte d'Ivoire shall be informed without delay.

E. Landing of catches

Tuna vessels and surface longliners landing their catches in a Côte d'Ivoire port shall, wherever possible, make their by-catches available to Côte d'Ivoire dealers at local market prices.

In addition, Community tuna vessels shall contribute towards supplying the Côte d'Ivoire's tuna-canning factories at a price fixed by mutual agreement between the Community shipowners and Côte d'Ivoire dealers on the basis of current prices on the international market. Payment shall be made in convertible currency. The landing schedule must be drawn up by mutual agreement between the Community shipowners and the Côte d'Ivoire dealers.

F. Fishing zones

1. To protect nurseries and local small-scale fishing activities, Community vessels with licences may not carry out fishing activities as provided in Article 2 of the Agreement in the following zones:
 - up to six nautical miles from the coast in the case of surface longliners, pole-and-line tuna vessels and freezer trawlers,
 - up to the 200-metre isobath in the case of freezer tuna seiners.
2. However, pole-and-line tuna vessels fishing for live bait shall be authorized to do so in the prohibited zone defined above to obtain bait strictly within the limits of their own requirements.

G. Entering and leaving the zone

1. All Community vessels fishing under the Agreement in the Côte d'Ivoire zone shall communicate to the radio station indicated on the licence the date and time and their position when entering and leaving the Côte d'Ivoire fishing zone.
2. In cases where radio communication cannot be used, vessels may use alternative means, such as telex or fax.
3. A vessel found to be fishing without having informed the Côte d'Ivoire authorities shall be regarded as a vessel without a licence.

H. Authorized mesh sizes

The minimum mesh size authorized (mesh fully extended) shall be:

- (a) 40 mm for freezer trawlers taking deepwater shellfish and freezer trawlers taking cephalopods;
- (b) 60 mm for freezer trawlers taking fish;
- (c) in the case of tuna, the international standards recommended by ICCAT shall apply.

I. Signing-on of seamen

Owners of vessels which have been granted licences as provided by the Agreement shall contribute to the practical vocational training of Côte d'Ivoire nationals, on the following terms and subject to the following limits:

1. Each trawler owner shall undertake to employ:

- one seaman for vessels under 250 GRT,
- two seamen for vessels over 250 GRT.

The owners of tuna vessels and surface longliners shall be responsible for employing Côte d'Ivoire nationals, on the following terms and subject to the following limits:

- for the fleet of tuna seiners, 25 Côte d'Ivoire seamen shall be signed on,
- for the fleet of pole-and-line tuna vessels, four Côte d'Ivoire seamen shall be signed on during the tuna fishing period in the Côte d'Ivoire fishing zone, each being assigned to a different vessel,
- for the fleet of surface longliners, two Côte d'Ivoire seamen shall be signed on during the fishing period in the Côte d'Ivoire fishing zone, each being assigned to a different vessel.

2. The wages of these seamen shall be fixed, before licences are issued, by mutual agreement between the shipowners or their representatives and the relevant Côte d'Ivoire authorities; the wages shall be borne by the shipowners and must include the social contributions to which the seaman is subject (including life assurance and accident and sickness insurance).

3. Should the seamen not be signed on, owners of tuna seiners, pole-and-line tuna vessels and surface longliners shall be obliged to pay a lump sum equivalent to the wages of the seamen not signed on.

This sum will be used for the training of seamen in Côte d'Ivoire and is to be paid into the account specified by the Côte d'Ivoire fishing authorities.

J. Taking on board of scientific observers

Any vessel may be requested to take on board a scientific observer appointed by the relevant Côte d'Ivoire authorities.

On board, the observer shall be accorded the same conditions enjoyed by officers of the vessel. This applies equally, as far as is possible, to the quarters assigned to the observer. Similarly, as far as possible, he shall be offered every facility needed to carry out his duties. The work of the observer and the conditions under which he is taken on board must not interrupt or hamper fishing activities.

The salary and the social contributions of the observer shall be borne by the relevant Côte d'Ivoire authorities.

K. Inspection and monitoring

At the request of the Côte d'Ivoire authorities, Community vessels operating within the Agreement shall permit and facilitate the boarding and fulfilment of the tasks of Côte d'Ivoire officials responsible for the inspection and monitoring of fishing activities.

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

L. Seizure and detention of vessels

The seizure or detention, under the terms of the applicable Côte d'Ivoire 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 Côte d'Ivoire within 72 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 Côte d'Ivoire.

Appendix 1

MINISTRY FOR
ANIMAL PRODUCTION
BP V 84, Abidjan
(Republic of Côte d'Ivoire)

REPUBLIC OF CÔTE D'IVOIRE
UNION-DISCIPLINE-WORK

LICENCE APPLICATION FOR SEA-FISHING

SECTION A

1. Name of shipowner:
2. Nationality of shipowner:
3. Business address of shipowner:
.....
.....

SECTION B

(To be completed for each vessel)

1. Valid for (duration):
2. Name of vessel:
3. Year of construction:
4. Original flag:
5. Currently flying the flag of:
6. Date of acquiring current flag:
7. Year of acquisition:
8. Port of registration and registration No:
9. Operating in zones:
10. Type of fishing:
11. Gross tonnage (GRT):
12. Net tonnage (NRT):
13. Radio call sign:
14. Length overall (metres):
15. Stem (metres):
16. Depth (metres):
17. Hull material:
18. Engine rating:
19. Speed (knots):
20. Cabins:
21. Capacity of tanks (cubic metres):
22. Capacity of fish holds (cubic metres):
23. Chilling/freezing capacity (tonnes/hour) and system used:
24. Colour of hull:
25. Colour of superstructure:
26. Crew complement:

27. On-board communications equipment:

Type	Make	Model	Power (watts)	Year of manufacture	Frequencies	
					receive	transmit

28. Navigaton and detection equipment:

Type	Make	Model

29. Additional boats used (for each vessel):

29.1. Gross tonnage:

29.2. Length overall (metres):

29.3. Stem (metres):

29.4. Depth (metres):

29.5. Hull material:

29.6. Engine rating:

29.7. Speed (knots):

30. Additional out-of-water equipment for detecting fish (even if not installed on board):

31. Port of registration:

32. Name of master:

33. Address:

34. Nationality of master:

Please include:

- three colour photographs of vessel (side view), additional boats used for fishing and additional out-of-water equipment for detecting fish,
- an illustration and detailed description of the fishing gear used,
- a document proving that the representative of the shipowner is empowered to sign this application.

.....
(Date of application)

.....
(Signature of representative of shipowner)

Appendix 2

FREEZER TRAWLERS (DEMERSAL SPECIES)

Name of vessel:		Engine power:		Fishing method:	
Nationality (flag):		Gross tonnage:		Port of landing:	

[illegible]

☐ Longline

☐ Baitboat

☐ Purse seine

☐ Trolling

☐ Others _____

Page _____ of _____ pagesRemarks:

4. Fishing area refers to the noon position of the boat. Round off minutes, and record degrees of latitude and longitude. Be sure to record N/S and E/W.
5. The bottom line ('landing weight') should be completed only at the end of the trip. Actual weight at the time of unloading should be recorded.
6. All information reported herein will be kept strictly confidential.

1. Use one sheet per month, and one line per day.

2. At the end of each trip, forward a copy of the log to your correspondent or to ICCAT, General Mola 17, Madrid 1, Spain.
3. 'Day' refers to the day you set the line.

Appendix 4

TUNA VESSELS — SEINERS — POLE-AND-LINE VESSELS

NAME OF VESSEL

SKIPPER

Sheet No

PORT OF DEPARTURE	PORT OF ARRIVAL
DATE	DATE
TIME	TIME
LOCH	LOCH

[illegible]