## ANNEXE II: Summary Table of the different measures taken to fight against IUU fishing in the SRFC Member States

<table>
<thead>
<tr>
<th>Member State</th>
<th>Fishing Authorization</th>
<th>Fishing authorisation in High Seas</th>
<th>Fisheries Journal</th>
<th>Observer</th>
<th>Transhipment at sea</th>
<th>Registry of fishing vessels</th>
<th>Entry/Exit EEZ</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cape Verde</td>
<td>Fishing license for domestic and foreign industrial vessels</td>
<td>Not intended</td>
<td>For the industrial fishing vessels</td>
<td>For the industrial fishing vessels</td>
<td>Forbidden</td>
<td>Registry for industrial and artisanal fishing vessels</td>
<td>Declarations of entry and exit of authorized foreign fishing vessels</td>
</tr>
<tr>
<td>The Gambia</td>
<td>Fishing license for national and foreign vessels</td>
<td>N/A</td>
<td>For the foreign fishing vessels and local vessels authorized to fish</td>
<td>To any foreign or local vessel, including local vessels authorized to fish on the high seas</td>
<td>Forbidden</td>
<td>Registry of authorization for fishing and commercial vessels</td>
<td>Declarations of entry/exit of any foreign fishing vessel system</td>
</tr>
<tr>
<td>Guinea</td>
<td>Industrial fishing license for domestic and foreign vessels and permits/ fishing licenses for artisanal vessels</td>
<td>Not intended</td>
<td>For the Industrial fishing vessels and information collected by the COD for the artisanal fishing vessels</td>
<td>For the industrial fishing vessels</td>
<td>Forbidden</td>
<td>Industrial Registry of industrial artisanal and fishing vessels</td>
<td>Declaration of the exit/entry and catch on board, for Industrial vessels</td>
</tr>
<tr>
<td>Guinea Bissau</td>
<td>License for foreign fishing boats for artisanal and industrial vessels</td>
<td>Not intended</td>
<td>Fishing Journal for industrial fishing vessels and to collect data on the catch landed in artisanal fisheries</td>
<td>Observer on board a industrial fishing vessel and any vessels operating fishing-related activities</td>
<td>Authorized</td>
<td>Registry of boats and fishing vessels authorized to fish in waters under national jurisdiction</td>
<td>Communication on entry/exits off the EEZ by foreign fishing vessels authorized to fish</td>
</tr>
<tr>
<td>Mauritania</td>
<td>License for national and foreign vessels</td>
<td>Not intended</td>
<td>Fishing Journal for industrial vessels and statistical record for coastal fishing and small-scale vessels</td>
<td>Observer on board of any industrial vessel fishing</td>
<td>Forbidden</td>
<td>Registry of foreign fishing industrial vessels and immatriculated fishing boats</td>
<td>Communication on entry/exits off the EEZ by foreign fishing vessels authorized to fish</td>
</tr>
<tr>
<td>Senegal</td>
<td>Fishing license for national and foreign industrial vessels Fishing permit for small-scale boats</td>
<td>Not intended</td>
<td>Fishing Journal for industrial fishing vessels and information for small-scale boats</td>
<td>Observer on board industrial fishing vessels</td>
<td>If authorized</td>
<td>Registry of industrial fishing vessels and databaseregistration of artisanal fishing</td>
<td>Communication on entry/exits off the EEZ by foreign fishing vessels authorized to fish</td>
</tr>
<tr>
<td>Sierra Leone</td>
<td>Fishing license for local and foreign vessels</td>
<td>Not intended</td>
<td>Fishing Journal for any industrial fishing vessel</td>
<td>The Director may appoint observers and the vessel on which an observer boards</td>
<td>Transhipment at sea and in port are subject to a system of license</td>
<td>Registry of fishing licenses and registry of artisanal vessels</td>
<td>Information about the entry in sierra leonian waters 12 to 48 hours before entry Inspection of the vessel before leaving the EEZ</td>
</tr>
</tbody>
</table>
ANNEXE IV: SUMMARY OF JOINT SURVEILLANCE OPERATIONS CONDUCTED IN THE REGION BETWEEN 2011 AND 2013

Six joint surveillance operations have been undertaken in the sub-region for the period 2011 to 2013. They gave significant results in terms of number of vessels detected and controlled.

<table>
<thead>
<tr>
<th>Operation Type</th>
<th>Period</th>
<th>Covered area</th>
<th>Countries engaged</th>
<th>Surveillance means</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type A</td>
<td>17 – 31/7/2011</td>
<td>Entire EEZs, Guinea-Bissau, Guinea, Sierra Leone</td>
<td>Guinea</td>
<td>speedboats 2 + support vessels 1</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Guinea-Bissau</td>
<td>2 speedboats de 15m</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Sierra Leone</td>
<td>Nil</td>
</tr>
</tbody>
</table>

Results

<table>
<thead>
<tr>
<th>Detected vessels</th>
<th>Identified vessels</th>
<th>Controlled vessels</th>
<th>Boarded vessels</th>
</tr>
</thead>
<tbody>
<tr>
<td>61</td>
<td>61</td>
<td>28</td>
<td>03 GN and 03 GB</td>
</tr>
</tbody>
</table>

Arrested vessels

<table>
<thead>
<tr>
<th>Name of the vessel</th>
<th>Dates and reasons for boarding</th>
<th>Sanctions and fees</th>
<th>Observations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lian Run 18</td>
<td>19/07/2011, Failure to stop, non-conform mesh, no VMS tag</td>
<td>5,000 Euros</td>
<td></td>
</tr>
<tr>
<td>Lian Run 22</td>
<td>19/07/2011, Failure to stop, non-conform mesh, no VMS tag</td>
<td>5,000 Euros</td>
<td></td>
</tr>
<tr>
<td>Lian Run 28</td>
<td>19/07/2011, no observer on-board</td>
<td>5,000 Euros</td>
<td></td>
</tr>
<tr>
<td>Saturnia Dak 916</td>
<td>21/07/2011, Fishing without license. No radio. Navigation permit expired</td>
<td>50,000 USD or 38,756,50 Euros</td>
<td></td>
</tr>
<tr>
<td>Trebbia</td>
<td>21/07/2011, Fishing without license. Navigation permit expired</td>
<td>50,000 USD or 38,756,50 Euros</td>
<td></td>
</tr>
<tr>
<td>Marcantonie Bragadine</td>
<td>21/07/2011, Fishing without license. Navigation permit expired</td>
<td>50,000 USD or 56,50 Euros</td>
<td></td>
</tr>
</tbody>
</table>
### “SARDINELLA” Operation

<table>
<thead>
<tr>
<th>Operation Type</th>
<th>Period</th>
<th>Area covered</th>
<th>Countries engaged</th>
<th>Surveillance means</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type B</td>
<td>30-7 – 04/8/2012</td>
<td>Entire EEZs Gambia, south part of EEZ Senegal + entire common area Senegal/Guinea-Bissau</td>
<td>The Gambia; Guinea-Bissau; Senegal</td>
<td>1 speedboat of 23m; nil; PHM of 48m</td>
</tr>
</tbody>
</table>

#### Results

<table>
<thead>
<tr>
<th>Detected vessels</th>
<th>Identified vessels</th>
<th>Controlled vessels</th>
<th>Boarded vessels</th>
</tr>
</thead>
<tbody>
<tr>
<td>21</td>
<td>21</td>
<td>21</td>
<td>Nil</td>
</tr>
</tbody>
</table>

### “BA PATHE” Operation

<table>
<thead>
<tr>
<th>Operation Type</th>
<th>Period</th>
<th>Covered area</th>
<th>Engaged countries</th>
<th>Surveillance means</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type C</td>
<td>30-1 – 04/2/2013</td>
<td>Border area between Cap Vert, Mauritania, Senegal</td>
<td>Cape Verde; Mauritania; Senegal</td>
<td>1 PHM of 51m; 1 PHM of 54m; 2 speedboats of 20m</td>
</tr>
</tbody>
</table>

#### Results

<table>
<thead>
<tr>
<th>Detected vessels</th>
<th>Identified vessels</th>
<th>Controlled vessels</th>
<th>Boarded Vessels</th>
</tr>
</thead>
<tbody>
<tr>
<td>36</td>
<td>24 of which 4 boats</td>
<td>19 of which 4 boats</td>
<td>All of them in the Senegal EEZ</td>
</tr>
</tbody>
</table>

#### Status of boarded vessels

<table>
<thead>
<tr>
<th>Vessel names</th>
<th>Dates and reason for boarding</th>
<th>Sanctions and fees</th>
<th>Observations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ile aux Oiseaux DAK 661</td>
<td>01/02/2013 capture and detention of immature octopus</td>
<td>Warning</td>
<td></td>
</tr>
<tr>
<td>Eschilo DAK 968</td>
<td>01/02/2013, capture and detention of immature octopus</td>
<td>3 000 000 CFA, or 4 573,45 Euros</td>
<td></td>
</tr>
<tr>
<td>Soleil 67 DAK 1196</td>
<td>02/02/2013 capture and detention, detention of immature octopus and refusing to comply</td>
<td>8 000 000 CFA, or 12,195,86 Euros</td>
<td></td>
</tr>
<tr>
<td>Soleil 11 DAK 821</td>
<td>03/02/2013 to fish and detain hake</td>
<td>Warning</td>
<td></td>
</tr>
<tr>
<td>Covered area</td>
<td>Operation Type</td>
<td>Period</td>
<td>Results</td>
</tr>
<tr>
<td>--------------</td>
<td>----------------</td>
<td>--------</td>
<td>---------</td>
</tr>
<tr>
<td>Entire EECs, Guinea and Guinea-Bissau, Sierra Leone</td>
<td>Type A</td>
<td>21 - 25/3/2013</td>
<td>40</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### "CHACAL" Operation

<table>
<thead>
<tr>
<th>Operation Type</th>
<th>Period</th>
<th>Covered area</th>
<th>Engaged countries</th>
<th>Means of surveillance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type B</td>
<td>25-28 – 05/2013</td>
<td>Entire EEZs Gambia, south part of EEZ Senegal + entire common area Senegal/Guinea-Bissau</td>
<td>The Gambia</td>
<td>1 speedboat of 23 m</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Guinea-Bissau</td>
<td>2 speedboats of 15 m</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Senegal</td>
<td>PHM de 48m</td>
</tr>
</tbody>
</table>

**Results**

<table>
<thead>
<tr>
<th>Detected vessels</th>
<th>Identified vessels</th>
<th>Controlled vessels</th>
<th>Boarded vessel</th>
</tr>
</thead>
<tbody>
<tr>
<td>36</td>
<td>36</td>
<td></td>
<td>27</td>
</tr>
</tbody>
</table>

**Status of Boarded Vessels**

<table>
<thead>
<tr>
<th>Vessel name</th>
<th>Dates and reasons for boarding</th>
<th>Sanctions and fees</th>
<th>Observations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amabal II</td>
<td>25/05/2013 non complying mesh</td>
<td>10 000 000 CFA or 15 244,83 Euros</td>
<td></td>
</tr>
<tr>
<td>Rimbal II</td>
<td>27/05/2013 non complying mesh</td>
<td>10 000 000 CFA or 15 244,83 Euros</td>
<td></td>
</tr>
</tbody>
</table>

### "PANTHERE" Operation

<table>
<thead>
<tr>
<th>Operation Type</th>
<th>Period</th>
<th>Covered Area</th>
<th>Countries involved</th>
<th>Means of surveillance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type A</td>
<td>25 – 28/05/2013</td>
<td>Entire EEZs Guinea, Guinea-Bissau, Sierra-Leone</td>
<td>Guinea</td>
<td>2 speedboats of 20m</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Guinea-Bissau</td>
<td>2 speedboats of 15 m</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Sierra Leone</td>
<td>1 speedboat of 17 m</td>
</tr>
</tbody>
</table>

**Results**

<table>
<thead>
<tr>
<th>Detected vessels</th>
<th>Identified vessels</th>
<th>Controlled vessels</th>
<th>Boarded vessels</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>20</td>
<td>17</td>
<td>Nil</td>
</tr>
</tbody>
</table>
SRFC

05.09.2014

Replies to questions posed by three individual members of the Tribunal

Annex 3: CD containing national legislation of the member States of the SRFC on fishing matters
(The following index was printed from the CD.)
<table>
<thead>
<tr>
<th>Instruments - Cap Vert</th>
<th>Date</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accueil</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Home</td>
<td>05-04-2013</td>
<td>Decreto-Regulamentar nº 4/2013 - É aprovada a delimitação da área protegida da Reserva Natural Integral Ilhéu de Batuarte</td>
</tr>
<tr>
<td>Inicio</td>
<td>05-04-2013</td>
<td>Decreto-Regulamentar nº 5/2013 - É aprovada a delimitação da área protegida de Parque Natural do Norte da Ilha da Boa Vista, pertencente à Rede Nacional das Áreas Protegidas</td>
</tr>
<tr>
<td>Cap Vert</td>
<td>09-06-2013</td>
<td>Decreto Regulamentar nº 11/2013 - É aprovada a delimitação da área protegida da Reserva Natural Integral Ilhéu dos Pássaros</td>
</tr>
<tr>
<td>Gambie</td>
<td>09-06-2013</td>
<td>Decreto Regulamentar nº 13/2013 - É aprovada a delimitação da área protegida da Reserva Natural Sierra Negra da ilha</td>
</tr>
<tr>
<td>Guinee</td>
<td>27-06-2012</td>
<td>Resolução nº 38/2012 Aprovação da minuta da Convenção de Estabelecimento a celebrar entre o Estado de Cabo Verde e o Agrupamento Complementar de Empresas (ACE)</td>
</tr>
<tr>
<td>Guinee Bissau</td>
<td>25-07-2012</td>
<td>Resolução nº 59/VIII/2012 - Aprovação, para ratificação, da Convenção para a Cooperação em matéria de Protecção e Desenvolvimento do Meio Marítimo e Litoral da Região da África Ocidental e Centro II - Protocolo relativo à cooperação em matéria de luta contra a poluição em caso de situações de emergência</td>
</tr>
<tr>
<td>Mauritania</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senegal</td>
<td>21-12-2012</td>
<td>Decreto-Lei nº 32/2012 - Introdução do sistema de monitorização contínua dos navios por satélite Vessel Monitoring System, VMS</td>
</tr>
<tr>
<td>Sierra Leone</td>
<td>30-03-2012</td>
<td>Despacho nº 19/2012 - Criação da Comissão de Estudo e Proposição dos Sistemas de Autoridade Marítima e de Segurança no Mar</td>
</tr>
<tr>
<td></td>
<td>17-01-2012</td>
<td>Rectificação do Decreto nº 7/2012, de 5 de Janeiro de 2012, que aprova o Protocolo que fixa as possibilidades de Pesca dos países da União Europeia nas Águas de Cabo Verde e a respectiva contrapartida financeira</td>
</tr>
<tr>
<td></td>
<td>15-11-2010</td>
<td>Decreto-Lei nº 14/2010 - Código Marítimo</td>
</tr>
<tr>
<td></td>
<td>08-11-2010</td>
<td>Decreto nº 21/2010 - Aprovação, para ratificação, do Acordo de Cooperação no domínio das Pescas Marítimas, celebrado entre a República do Cabo Verde e a República Democrática de São Tomé e Príncipe</td>
</tr>
<tr>
<td></td>
<td>25-10-2010</td>
<td>Portaria nº 39/2010 - Regulamento de Funções e Categorias de Marítimos</td>
</tr>
<tr>
<td></td>
<td>25-10-2010</td>
<td>Portaria nº 41/2019 - Aprovação das normas de qualidade relativas à formação, avaliação da competência, certificação, autenticação e revalidação dos marítimos, de acordo com o previsto no Regulamento sobre Certificados da Convenção Internacional sobre normas de Formação, Certificação e de Serviço de Quartos para os Marítimos (STCW)</td>
</tr>
<tr>
<td></td>
<td>10-08-2010</td>
<td>Lei nº 88/2010 - Autoriza o Governo a aprovar o Código Marítimo do Cabo Verde</td>
</tr>
<tr>
<td></td>
<td>05-04-2010</td>
<td>Decreto nº 6/2010 - Aprovação do Acordo de Emprestimo, denominado Programa Regional das Pescas da África Ocidental</td>
</tr>
<tr>
<td></td>
<td>25-10-2010</td>
<td>Portaria nº 40/2010 Regulamento sobre Certificados da Convenção Internacional sobre Normas de Formação, Certificação e de Serviço de Quartos para os Marítimos</td>
</tr>
<tr>
<td></td>
<td>31-12-2010</td>
<td>Resolução nº 72/2010 Plano Nacional para a Conservação das Tartarugas Maríonis em Cabo Verde (PNTCM-CV)</td>
</tr>
<tr>
<td></td>
<td>07-07-2009</td>
<td>Portaria nº 25/2009 - Alteração do Regulamento que define as normas sanitárias aplicáveis à produção e colocação no mercado dos produtos da pesca destinados ao consumo humano, aprovado pela Portaria nº 6/2001, de 1 de Fevereiro com vista a reforçar a proteção da saúde pública</td>
</tr>
<tr>
<td></td>
<td>06-07-2009</td>
<td>Portaria nº 24/2009 - Fixação dos teores máximos permissíveis de cádmio, chumbo, mercúrio, estanho na forma inorgânica, benzopireno, dioxinas (PCDD/PCDF) e PCB nas partes comestíveis dos produtos da pesca destinados ao consumo humano, métodos de recolha e de análise para o controlo oficial</td>
</tr>
<tr>
<td></td>
<td>14-12-2009</td>
<td>Portaria nº 48/2009 Regulamento que aprova o regime de certificação de capturas de produtos de pesca</td>
</tr>
<tr>
<td>Data</td>
<td>Estrutura Legal</td>
<td></td>
</tr>
<tr>
<td>-----------</td>
<td>----------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>01-01-2009</td>
<td>Decreto-Lei 35/2009 – Criação e aprovação do Estatuto Orgânico do Fundo de</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Desenvolvimento das Pesca, S.A</td>
<td></td>
</tr>
<tr>
<td>31-01-2008</td>
<td>Decreto-Lei 48/2007 – Estabelece o regime de autorização prévia ao registro de</td>
<td></td>
</tr>
<tr>
<td></td>
<td>embarcações de pesca industrial no regime convencional de navios</td>
<td></td>
</tr>
<tr>
<td>02-03-2007</td>
<td>Decreto 2-2007 – Protocolo Que Fixa, Para O Período Compreendido Entre 1 De</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Setembro De 2006 E 31 De Agosto De 2011, As Possibilidades Da Pesca E A</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Contrapartida Financeira Previstas No Acordo De Parceria No Domínio Da Pesca</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Entre A Comunidade Europeia E A República De Cabo Verde</td>
<td></td>
</tr>
<tr>
<td>12-12-2005</td>
<td>Portaria 67/2005, estabelece a criação e regimento, no departamento que</td>
<td></td>
</tr>
<tr>
<td></td>
<td>superintendente a sector das Pescas, de um regime de embarcações de pesca</td>
<td></td>
</tr>
<tr>
<td></td>
<td>industrial operando na Zona Económica Exclusiva do país, designado “Registo</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Nacional de Navios de Pesca industrial” para navios de pesca nacional e estrangeira</td>
<td></td>
</tr>
<tr>
<td>31-10-2005</td>
<td>Decreto-Regional 10/2005 – Regimento do Conselho Nacional das Pescas, CNP</td>
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</tr>
<tr>
<td>03-10-2005</td>
<td>Decreto 11/2005 – Acordo para a promoção do cumprimento das medidas</td>
<td></td>
</tr>
<tr>
<td></td>
<td>internacionais de conservação e de gestão pelos navios de pesca no alto mar.</td>
<td></td>
</tr>
<tr>
<td>22-08-2005</td>
<td>Decreto-Lei 54/2005 – Regulamentação da pesca amadora</td>
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<tr>
<td>22-08-2005</td>
<td>Decreto-Lei 58/2005 – Aprovação do Diploma Orgânico do Ministério do Ambiente,</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Agricultura e Pescas MAAP</td>
<td></td>
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<tr>
<td>22-08-2005</td>
<td>Decreto-Lei 58/2005 – Aprovação do Diploma Orgânico do Ministério do Ambiente,</td>
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<td>Agricultura e Pescas MAAP</td>
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<tr>
<td>09-08-2005</td>
<td>Decreto-Lei 53/2005 – Política de Aproveitamento Sustentável dos Recursos</td>
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<td></td>
<td>Halêuticos</td>
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<td>24-02-2003</td>
<td>Resolução n° 5/2003 Dia Nacional do Pescador</td>
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<tr>
<td>21-04-2003</td>
<td>Lei 19/6/2003 – Serviço e a atividade de registo internacional de navios e de</td>
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Arrêté n° 5726 du 16 août 1999 fixant les modalités d'immatriculation et de marquage des embarcations de pêche artisanale.

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Loi n° 84-67 du 16 août 1984 autorisant le Président de la République à ratifier la convention des nations-Unies sur le droit de la mer, signée à Montego Bay en Jamaïque le 10 décembre 1982

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Décret N° 77-1012 du 24 novembre 1977, portant statut particulier du cadre des fonctionnaires des pêches maritimes

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19-07-1965  Décret n° 65-597 du 19 juillet 1965 portant création de secteurs de pêche dans les eaux continentales des départements de Dagana et de Louga

10-06-1963  Loi n°03-40 du 10 juin 1963 réglementant la pêche dans les eaux continentales


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<td>Draft Fisheries and Aquaculture Bill 2011 - Arrangements of Sections</td>
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NOUAKCHOTT DECLARATION ON ILLEGAL, UNREPORTED AND UNREGULATED FISHING


We, the Ministers in charge of fisheries for the Member States of the Sub-Regional Fisheries Commission (SRFC) and for Sierra Leone,

Appreciating the growing importance of fishery resources for the sustainable socio-economic development of States in the region;


Fully recognizing the objectives and principles of the Code of Conduct for Responsible Fisheries;

Affirming that States hold sovereign rights in respect of managing and conserving their fishery resources;

Gravely concerned by the intensification of illegal fishing in the waters of the SRFC States and the prejudice caused by illegal, unreported and unregulated fishing to the economies of the SRFC Member States and Sierra Leone;

Bearing in mind that illegal, unreported and unregulated fishing is irresponsible fishing and a threat to the survival of fisheries and the long-term sustainability of halieutic resources in the sub-region;

Noting with satisfaction the adoption by the Committee on Fisheries of the Food and Agriculture Organization of the United Nations (FAO) at its Twenty-fourth Session of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing;

Further noting that it is in the common interest of the SRFC Member States and Sierra Leone to cooperate in exercising their sovereign rights over the maritime waters under their respective jurisdictions;

Determined to protect, by means of strict control, the activities of fishing vessels operating in the sub-region;
Decide to mobilise the resources available to us to prevent, deter and eliminate illegal, unreported and unregulated fishing;

Decide to subscribe fully to the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing;

Request the Permanent Secretary of the SRFC to establish an ad hoc panel of legal and technical experts to examine mechanisms for implementing the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing;

Appeal to all States harbouring vessels flying flags of convenience or vessels without nationality to take the measures aimed at preventing, deterring and eliminating illegal, unreported and unregulated fishing;

Call upon States granting flags of convenience to ensure that their vessels do not engage in illegal, unreported or unregulated fishing;

Address a solemn appeal to the international community to lend its support and cooperation to the SRFC Member States and Sierra Leone in their fight against illegal, unreported and unregulated fishing.

Nouakchott, 20 September 2001
ANNEX III: THE DAKAR DECLARATION

Draft Dakar Declaration
On Illegal, Unreported and Unregulated (IUU) Fishing

The Conference of Ministers in charge of fisheries matters of the Member States of the Sub-Regional Fisheries Commission (SRFC)

We, the Ministers in charge of fisheries matters of the Member States of the Sub-Regional Fisheries Commission (SRFC) at the sixteenth Extraordinary Session held from the 27th to 28th March 2014 in Dakar, Republic of Senegal

1. Convinced with the important role of the fisheries resources in the socio economic development of the countries of the sub region in terms of food security, poverty reduction and sustainable development;

2. Strongly aware of the persistence of Illegal, Unreported and Unregulated (IUU) Fishing which result in overfishing, destruction of coastal and marine ecosystems, major stocks depletion, reduction of the sustainable livelihoods of fisheries stakeholders, unemployment, closure of several fishing companies and a threat to food security;

3. Aware of the lack of capacity of national and regional bodies in charge of monitoring, control and surveillance and the need to use national means for effective and efficient management of IUU fishing in the SRFC area;

4. Reaffirming our commitment to standards and norms in accordance with relevant international legal instruments including (i) the United Nations Convention on the Law of the Sea; (ii) the Code of Conduct for Responsible Fisheries, FAO; (iii) the International Plan of Action to Prevent, deter and eliminate IUU fishing; and (iv) the Agreement on Port State Measures to prevent, deter and eliminate IUU fishing;

5. Taking into account the legal instruments of the SRFC, including: (i) the Convention on the determination of the minimum conditions for access and exploitation of marine resources within the maritime zones under the jurisdiction of the Member States of the SRFC, commonly called "MAC Convention"; (ii) the Convention on Sub-Regional Cooperation in the exercise of hot pursuit and its Protocol on the practical arrangements for coordination of surveillance in the Member States of the SRFC;

6. Reaffirming our commitment to strengthen sub-regional cooperation by pooling our legal, scientific and operational means, and to take all appropriate measures to prevent, deter and eliminate IUU fishing in the sub-region;

Commit Ourselves To:
a) **Reaffirm** the sub-regional and international cooperation in the fight against IUU fishing and encourage the exchange of data and information among institutions;

b) **Develop** and implement a regional Strategy in the fight against IUU fishing;

c) **Strengthen** governance at (institutional and legal levels) of fisheries in our respective States by:
   - Integrating the Convention of the SRFC on minimum conditions of access (MAC Convention) into national laws, as it fits, no later than July 2015 and ensure its implementation;
   - Signing protocols under the Convention on the Law of Maritime hot pursuit of the SRFC and Member States if not already done;
   - Signing the 2009 Agreement on Port State Measures to prevent, deter and eliminate IUU fishing;

d) **Deny** access to vessels which are recognized by the international community to have carried out IUU fishing;

e) **Engage** the Permanent Secretary of the SRFC in bilateral and international negotiations on fisheries agreements undertaken by the Member States on request;

f) **Take** all options to prevent, deter and eliminate IUU fishing;

**Urge** all Member States to report on the progress of the implementation of these commitments in the next Ordinary Sessions of the Conference of Ministers;

**Solemnly** appeal to the international community to support the SRFC and its members States in their fight against Illegal, Unreported and Unregulated Fishing.

Done in Dakar, Republic of Senegal, March 28, 2014
The Conference of Ministers of the Sub Regional Fisheries Commission

For the Republic of Cabo Verde

For the Republic of The Gambia

For the Republic of the Guinea

For the Republic of Guinea Bissau

For the Islamic Republic of Mauritania

For the Republic of Senegal

For the Republic of Sierra Leone

28/03/14
PART IV: PORT STATE MEASURES AND THE FIGHT AGAINST ILLEGAL, UNREPORTED AND UNREGULATED (IUU) FISHING

Article 25: Strengthening the fight against IUU fishing

1. Member States shall commit themselves to take all the necessary measures to prevent, deter and eliminate illegal, unreported and unregulated fishing.

2. To this end, they shall strengthen cooperation to fight against IUU fishing, in accordance with international law.

3. In that regard, Member States shall:
   
   - carry out joint surveillance operations;
   - allocate a significant proportion of proceeds derived from fines, transactions and confiscated items to strengthening fisheries management, research and surveillance activities;
   - work towards putting in place a sub-regional training and capacity building programme for managers, observers and surveillance agents;
   - shall detain and facilitate the return of any vessel that has committed fishing offence(s) in the maritime area under jurisdiction of another Member State.

Article 26: Designation of ports authorized to receive third State party fishing vessels

1. Member States shall designate and publicize ports where third State fishing vessels may request entry.

2. These ports shall be selected on the basis of their technical capability to inspect third State fishing vessels. The competent authority of each Member State shall conduct inspections on a regular basis.

3. The designated ports, shall, where possible, allow for inspections provided for in the provisions of international conventions on the control of vessels by the port State.

4. Third State fishing vessels shall be authorized to use port services and carry out landing and transshipment operations in designated ports only.

5. The list of the said ports shall be communicated to the SRFC Permanent Secretary.

Article 27: Information to be provided by third State party fishing vessels before arrival at port

1. Third State party fishing vessels must communicate to the port authorities beforehand their time of arrival as well as information required by the regulation of the port State, in particular:
   
   - the name and technical specifications of the vessel,
   - purpose for its entry into the port,
   - the quantity of catches to be landed,
   - the expected dates and time of arrival.
2. Except for reasons observed by international laws, the above information shall be communicated at least forty eight (48) hours in advance of the expected time of entry.

3. Upon arrival in port, the logbook containing the basic information indicated in Annex III of the present Convention shall be initialed and signed, and availed to fisheries inspectors and controllers as well as any other official authorized for that purpose as part of the monitoring of vessels by the port State.

**Article 28: Information to be provided by vessels engaged in related activities before arrival at port**

1. Vessels engaged in additional activities shall be bound to provide information required by the State port, in particular:
   - the reason for entry to the port (transshipment, bunkering...),
   - the quantities of catches on board, for transshipment or for shipment,
   - the type and volume of bunkering products,
   - the date of entry and duration of stay.

2. The above information shall be communicated at least forty eight (48) hours in advance. However, Member States can regulate the time allowed to communicate its information.

**Article 29: Refusal of entry, landing, transshipment and other services to vessels engaged in IUU fishing**

1. Entry in the port States shall be denied for vessels found or suspected to have been engaged in or supported IUU fishing.

2. Landing and transshipment of catches shall not be authorized for vessels which have engaged in or supported illegal, unreported and unregulated fishing activities within or outside the waters under the jurisdiction of the port State. Such vessels shall not benefit from the said services.

3. In case of docking at the port of a vessel which have engaged in or supported IUU fishing activities, the catch should be confiscated in favor of the State where these catches have been made.

4. The measures referred to in the above paragraph shall be communicated to the Permanent Secretariat of the SRFC, Member States and the flag State, if known.

**Article 30: Fishing activities outside the maritime area under jurisdiction of the flag State**

Member States shall ensure that vessels navigating under their flag shall carry out fishing activities beyond their exclusive economic zones only if the said vessels are duly authorized to that effect.
AGREEMENT

between the European Economic Community and the Republic of Cape Verde on fishing off the coast of Cape Verde

THE EUROPEAN ECONOMIC COMMUNITY,
hereinafter referred to as the 'Community', and

THE REPUBLIC OF CAPE VERDE,
hereinafter referred to as 'Cape Verde',

CONSIDERING the spirit of cooperation resulting from the Convention between the African, Caribbean and Pacific countries and the European Economic Community (ACP-EEC Convention) and the desire to foster closer relations between the Community and Cape Verde,

CONSIDERING Cape Verde's desire to promote the rational exploitation of its fishery resources by means of increased cooperation,

RECALLING that, in respect of sea fishing, Cape Verde exercises its sovereign rights or jurisdiction over a zone extending up to 200 nautical miles from its coast,

TAKING INTO ACCOUNT the provisions of the United Nations Convention on the Law of the Sea,

DETERMINED to conduct their fisheries relations in a spirit of mutual trust and respect for each other's interests,

DESIRING of establishing the conditions and terms governing fishing activities of mutual interest to the Parties,

HAVE AGREED AS FOLLOWS:

Article 1

The purpose of this Agreement is to establish the principles and rules which will govern in future, in all respects, the fishing activities of vessels flying the flags of Member States of the Community, herinafter referred to as 'Community vessels', in the waters over which Cape Verde has sovereignty or jurisdiction in accordance with the provisions of the United Nations Convention on the Law of the Sea and other provisions of international law, hereinafter referred to as the 'Cape Verde fishing zone'.

Article 2

Cape Verde shall permit fishing activities by Community vessels in the Cape Verde fishing zone in accordance with this Agreement.

Article 3

1. The Community undertakes to take all necessary steps to ensure that its vessels adhere to the provisions of this Agreement and the laws governing fishing activities in the Cape Verde fishing zone in accordance with the provisions of the United Nations Convention of the Law of the Sea and other provisions of international law.

2. The Cape Verdean authorities shall notify the Commission of the European Communities of any changes to the said laws prior to their application.

3. The steps taken by the Cape Verdean authorities to regulate fishing in the interests of conservation shall be based on objective and scientific criteria and shall apply both to Community vessels and to other foreign vessels, without prejudice to agreements concluded between developing countries within a single geographical region, including reciprocal fisheries agreements.

Article 4

1. Fishing activities by Community vessels in the Cape Verde fishing zone shall be subject to possession of a licence issued by the relevant Cape Verdean authorities at the Community's request.

2. The issue of a licence shall be subject to payment of a fee by the shipowner concerned.

3. The procedure for licence applications, the fees payable and arrangements for payment are set out in the Annex.

Article 5

The Parties undertake to coordinate either directly or within international organizations their efforts to ensure the
management and conservation of living resources in the Central East Atlantic, particularly with regard to highly migratory species, and to facilitate the relevant scientific research.

Article 6

The masters of the vessels authorized under the terms of this Agreement to fish in the Cape Verde fishing zone shall be obliged to send their statements of catch to the Cape Verdean authorities, with a copy to the Delegation of the Commission of the European Communities in Praia, in accordance with the provisions set out in the Annex.

Article 7

In return for the fishing rights granted pursuant to Article 2, the Community shall make a financial contribution to Cape Verde in accordance with the procedure stipulated in the Protocol attached to this Agreement, without prejudice to financing accorded to Cape Verde under the ACP-EEC Convention.

Article 8

If, as a result of the changing stocks situation, the Cape Verdean authorities decide to apply conservation measures affecting the fishing activities of Community vessels, the Parties shall consult each other with a view to adjusting the Annex and the Protocol.

These consultations shall be based on the principle that any reduction of the fishing rights laid down in the said Protocol must entail a proportional reduction in the financial compensation payable by the Community.

Article 9

A joint committee shall be set up to ensure that this Agreement is properly applied. The committee shall meet, alternatively in Cape Verde and the Community, at the request of either of the Contracting Parties.

The Parties shall consult each other on any dispute regarding the interpretation or application of this Agreement.

Article 10

Nothing in this Agreement shall affect or prejudice in any manner whatsoever the views of either Party with respect to any matter relating to the law of the sea.

Article 11

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Economic Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of the Republic of Cape Verde.

Article 12

The Annex and the Protocol to this Agreement form an integral part thereof and, unless otherwise specified, any reference to this Agreement constitutes a reference to them.

Article 13

1. This Agreement shall be concluded for an initial period of three years from the date of its entry into force. Unless one of the Parties ends it by giving notice to that effect six months before the end of the initial period, it shall be extended for further periods of two years, unless denounced by notice given at least three months before the end of any such two-year period.

2. At the end of the initial period, and subsequently of each two-year period, the Contracting Parties shall enter into negotiations to determine, by common agreement, what amendments or additions to the Annex or Protocol are required.

The Parties shall enter into negotiations in the event of either of them denouncing the Agreement.

Article 14

This Agreement shall enter into force on the date on which the Parties notify each other of the completion of the procedures necessary for this purpose.

Article 15

This Agreement, drawn up in duplicate in the Danish, Dutch, English, French, German, Greek, Italian, Portuguese and Spanish Languages, all the texts being equally authentic, shall be deposited in the archives of the General Secretariat of the Council of the European Communities, which shall transmit a certified copy to each of the Contracting Parties.
ANNEX

CONDITIONS FOR THE EXERCISE OF FISHING ACTIVITIES BY COMMUNITY VESSELS IN THE CAPE VERDE 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 Cape Verde, via the Commission Delegation in Cape Verde, an application for each vessel that is to be used for fishing under the Agreement, at least 15 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 Office of the Secretary of State for Fisheries of Cape Verde, a specimen of which is attached hereto (Appendix 1).

2. Each licence application shall be accompanied by proof of payment of the fee for the period of the licensor's validity. Payment shall be made into an account opened with a financial institution or any other body designated by the Cape Verdean authorities.

The fees shall include all national and local charges except for port taxes and service charges.

3. Licences for all vessels shall be issued by the Office of the Secretary of State for Fisheries of Cape Verde, within 15 days following receipt of proof of payment as laid down in point 2, to the shipowners or their representatives via the Delegation of the Commission of the European Communities in Cape Verde.

4. 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 may, and in the case of force majeure shall, be replaced by a new licence for another vessel with features 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 Cape Verde via the Delegation of the Commission of the European Communities in Cape Verde.

The new licence shall indicate:
— the date of issue,
— the fact that it replaces the licence of the previous vessel for the remaining period of validity.

In this case, no fee as laid down in Article 4 (2) of the Agreement shall be due for unexpired period of validity.

5. The licence must be held on board at all times.

6. The Office of the Secretary of State for Fisheries of Cape Verde shall give notice, before the Agreement enters into force, of the arrangements for payment of the fee, including information on bank accounts and the currencies to be used.

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 caught within the Cape Verde fishing zone.

3. Licences shall be issued following payment to the Office of the Secretary of State for Fisheries of Cape Verde of a lump sum of ECU 1,500 a year for each tuna seiner and ECU 300 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,
— 15 tonnes per year in the case of 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 for each vessel and confirmed by the relevant scientific institutes, including the Institut français de recherche...
scientific et technique d'outre-mer (ORSTOM), the Instituto Español de Oceanografía (IEO) and the Instituto Nacional de Investigação das Pescas (INP) of Cape Verde.

The statement shall be forwarded simultaneously to the Office of the Secretary of State for Fisheries of Cape Verde and to the shipowners. Any additional payment due shall be made by the shipowners to the Office of the Secretary of State for Fisheries of Cape Verde no later than 30 days after notification of the final statement, to be paid into the account opened with a financial institution or any other body designated by the Cape Verdean authorities.

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

C. Provisions applicable to licences for other vessels

1. In the case of bottom longliners, licences shall be valid for three, six or 12 months. The annual fee shall be fixed according to GRT, at the rate of ECU 100 per GRT, in proportion to the duration of the licence.

2. In the case of vessels carrying out experimental cephalopod fishing, the fee shall be set at ECU 60 per GRT per year.

D. Statement of catch

1. For tuna seiners, pole-and-line tuna vessels and surface longliners a fishing log shall be kept, in accordance with the model in Appendix 2, for each fishing period spent in the Cape Verde fishing zone. The form must be sent, within 45 days of the end of the fishing voyage spent in the Cape Verde fishing zone, to the Office of the Secretary of State for Fisheries of Cape Verde via the Delegation of the Commission of the European Communities in Cape Verde.

2. Bottom longliners and vessels carrying out experimental cephalopod fishing shall be obliged to notify the Office of the Secretary of State for Fisheries of Cape Verde of their catches using the standard form set out in Appendix 3 via the Delegation of the Commission of the European Communities in Cape Verde. These statements shall be monthly and must be communicated at least once every three months.

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

4. Should these provisions not be adhered to, the relevant Cape Verdean authorities reserve the right to apply, inter alia, one or both of the following penalties:
   - suspension of the licence of the offending vessel;
   - imposition of a fine.

In this case, the Delegation of the Commission of the European Communities in Cape Verde shall be informed.

E. Landing of catch

Community tuna vessels shall, wherever possible, contribute towards supplying the Cape Verde tuna canning factories in accordance with their catches in the zone at a price fixed by mutual agreement between the Community shipowners and the Cape Verdean fishing authorities on the basis of current prices on the international market. Payment shall be made in convertible currency.

Moreover, tuna vessels landing their catches in a Cape Verdean port shall, wherever possible, make part of their by-catch available to the fishing authorities of Cape Verde at local market prices.

F. Signing-off of seamen

1. Tuna vessel and surface longliner owners shall employ Cape Verdean nationals, subject to the following conditions and limits:
   - for the fleet of tuna seiners, three Cape Verdean seamen shall be signed on during the tuna fishing period in the Cape Verde fishing zone,
   - for the fleet of pole-and-line tuna vessels, eight Cape Verdean seamen shall be signed on during the tuna fishing period in the Cape Verde fishing zone, all of them to be assigned to different vessels,
— for the fleet of surface longliners, two Cape Verdean seamen shall be signed on during the fishing period in the Cape Verde fishing zone, each of them to be assigned to different vessels.

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 Cape Verdean 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, shipowners shall be obliged to pay a lump sum equivalent to the wages of seamen not signed on.

This sum will be used for the training of seamen in Cape Verde and is to be paid into the account specified by the relevant Cape Verdean authorities.

G. Taking on board of observers

1. At the request of the relevant Cape Verdean authorities, vessels of more than 150 GRT shall take on board an observer appointed by the said authorities, whose task shall be to check on catches in the Cape Verde fishing zone. He shall be offered every facility needed to carry out his duties, including access to premises and documents. He must not remain on board any longer than is necessary for the accomplishment of his duties.

The master of the vessel shall facilitate the work of the observer, who shall be accorded the conditions enjoyed by officers of the vessel. The salary and the social contributions of the observer shall be borne by the relevant Cape Verdean authorities.

2. The work of the observer and the conditions under which he is taken on board must not interrupt or hamper fishing activities. The port in which the observer is taken on board shall be determined by mutual agreement between the relevant Cape Verdean authorities and the shipowner or his representative. Should the observer be taken on board in a foreign port, his travelling costs shall be borne by the shipowner. Should a tuna vessel with an observer on board leave the Cape Verde fishing zone, all measures must be taken to ensure the observer’s return to Cape Verde as soon as possible at the expense of the shipowner.

H. Fishing zones.

1. Community vessels may carry out fishing activities in the following zones, determined by reference to the base lines:
   — beyond 12 miles for tuna seiners and surface longliners,
   — beyond six miles for pole-and-line tuna vessels,
   — from the base lines for live bait fishing and for bottom longliners.

2. Cephalopod vessels carrying out experimental fishing shall have access to all the Cape Verde fishing zones.

I. Meshes authorised

The minimum mesh size authorized for the trawl body (mesh fully extended) shall be:
   — 16 mm for live bait fishing,
   — 40 mm for cephalopods.

In the case of tuna, the international standards recommended by ICCAT shall apply.

J. Entering and leaving the zone

1. All Community vessels fishing under the Agreement in the Cape Verde zone shall communicate to the São Vicente radio station the date and time and their position when entering and leaving the Cape Verde fishing zone.

2. While fishing in the Cape Verde zone, vessels shall notify their position and their catch to the relevant Cape Verdean authorities every three days via the São Vicente radio station, and give their total catch each time they leave the zone.
3. The call sign and operating frequencies and working hours of the station shall be communicated to the shipowners or their representatives by the Office of the Secretary of State for Fisheries of Cape Verde at the time the licence is issued.

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

K. Port equipment and use of supplies and services

Community vessels shall, where possible, procure in Cape Verde all supplies and services necessary for their activities. The relevant Cape Verdean authorities shall, in agreement with the shipowners or their representatives, establish the conditions for using port equipment and, if necessary, supplies and services.

L. Procedure in case of boarding

1. The Delegation of the Commission of the European Communities in Cape Verde shall be notified within 48 hours of any boarding within the Cape Verde 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 shall be provided within 72 hours.

2. A meeting shall be held, within 24 hours of receipt of the abovementioned information, between the Delegation of the Commission of the European Communities in Cape Verde, the Office of the Secretary of State for Fisheries of Cape Verde and the inspection authorities, possibly attended by a representative of the Member State concerned, at which 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. A vessel boarded following a fisheries infringement shall be released upon payment of a security, to be fixed in the light of the costs occasioned by the boarding and the amount of fines and compensation to which those responsible for the infringement are liable.
Appendix 1

OFFICE OF THE SECRETARY OF STATE FOR FISHERIES

License application for foreign industrial fishing vessels

1. Name of shipowner:

2. Address of shipowner:

3. Name of representative or local agent of shipowner:

4. Address of representative or local agent of shipowner:

5. Name of master:

6. Name of vessel:

7. Registration number:

8. Date and place of construction:

9. Flying the flag of:

10. Port of registration:

11. Port of rigging:

12. Overall length:

13. Width:

14. Gross tonnage:

15. Net tonnage:

16. Hold capacity:

17. Chilling or freezing capacity:

18. Engine type and horse power:

19. Type of fishing:

20. Crew complement:

21. Communication equipment:

22. Call sign:

23. Dialling signals:

24. Fishing operations to be carried out:

25. Place for landing catch:

26. Fishing zones:

27. Species to be caught:

28. Period of validity:

29. Special conditions:
30. Other activities of the applicant in Cape Verde:

Opinion of the Directorate-General for Fisheries

Office of the Secretary of State for Fisheries
## ICCAT LOGBOOK for TUNA FISHERY

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<th>Registration No.</th>
<th>Captains</th>
<th>Company or Owner</th>
<th>No. of men</th>
<th>Reporting date</th>
<th>Number of days at sea</th>
<th>Number of fishing days or number of sets made</th>
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</tr>
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</table>

### CATCHES

<table>
<thead>
<tr>
<th>Dates</th>
<th>Area</th>
<th>Effort</th>
<th>Number of Hooks</th>
<th>Number of Fishing Days</th>
<th>Total weight (Kg)</th>
<th>Total weight (Lbs)</th>
<th>Total weight (St)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tr>
</tbody>
</table>

### Remarks

1. Use one sheet per month, and one line per day.
2. As the end of each trip, forward a copy of the log to your correspondent or to ICCAT, Oceanic House 17, Madrid 1, Spain.
3. "Day" refers to the day you start the trip.

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4. Catching area refers to the zone position of the boat. Record all catches, and record degrees of latitude and longitude of area 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 of the catch at the time of unloading should be recorded.
6. All information required herein will be kept strictly confidential.
Appendix 3

INFORMATION ON CATCHES RESULTING FROM INDUSTRIAL FISHING

1. Name and registration number of vessel:

2. Nationality:

3. Type of vessel: (i.e. for fish, tuna, etc.)

4. Master's name:

5. Fishing licence issued by: valid for the period:

6. Type of fishing:

7. Date of leaving port: Date of entering port:

8. Catches:

<table>
<thead>
<tr>
<th>Date</th>
<th>Fishing zone</th>
<th>Species caught</th>
<th>Tonnage</th>
<th>Port of landing</th>
</tr>
</thead>
</table>

I, the undersigned, Master of the vessel cited above, or his representative, hereby declare that the information given above is correct, as witnessed by the observer of the Government.

Witnessed by
The Observer of the Government

Signed
The Master
AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS
on the provisional application of the Fisheries Partnership Agreement between the European Community and the Republic of Guinea

A. Letter from the Government of the Republic of Guinea

Sir,

I am delighted that the Republic of Guinea and European Community negotiators have been able to reach a consensus on a Fisheries Partnership Agreement between the Republic of Guinea and the European Community, and on a Protocol setting out the fishing opportunities and financial contribution and the annexes thereto.

The result of these negotiations improves on the earlier Agreement and will strengthen our fisheries relations and establish a true partnership framework in which to develop a sustainable and responsible fisheries policy in Guinea’s waters. To this end, I would propose launching in parallel the procedures for approval and ratification of the texts of the Agreement, the Protocol and the Annex and Appendices thereto in accordance with the procedures in force in the Republic of Guinea and the European Community and necessary for their entry into

In order to avoid interrupting fishing activities by Community vessels in Guinea’s waters, and referring to the Agreement and the Protocol initialed on 20 December 2008 and setting out the fishing opportunities and financial contribution from 1 January 2009 to 31 December 2012, I have the honour to inform you that the Government of the Republic of Guinea is willing to apply this Agreement and this Protocol provisionally from 1 January 2009 pending their entry into force in accordance with Article 19 of the Agreement, provided that the European Community is prepared to do likewise.

This is on the understanding that the first instalment of the financial contribution, laid down by Article 2 of the Protocol, must be paid before 30 November 2009.

I should be grateful if you would confirm the agreement of the European Community to such a provisional application.

Please accept, Sir, the assurance of my highest consideration.
B. Letter from the European Community

Sir,

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

'I am delighted that the Republic of Guinea and European Community negotiators have been able to reach a consensus on a Fisheries Partnership Agreement between the Republic of Guinea and the European Community, and on a Protocol setting out the fishing opportunities and financial contribution and the annexes thereto.

The result of these negotiations improves on the earlier Agreement and will strengthen our fisheries relations and establish a true partnership framework in which to develop a sustainable and responsible fisheries policy in Guinea's waters. To this end, I would propose launching in parallel the procedures for approval and ratification of the texts of the Agreement, the Protocol and the Annexe and Appendices thereto in accordance with the procedures in force in the Republic of Guinea and the European Community and necessary for their entry into force.

In order to avoid interrupting fishing activities by Community vessels in Guinea's waters, and referring to the Agreement and the Protocol initialled on 20 December 2008 and setting out the fishing opportunities and financial contribution from 1 January 2009 to 31 December 2012, I have the honour to inform you that the Government of the Republic of Guinea is willing to apply this Agreement and this Protocol provisionally from 1 January 2009 pending their entry into force in accordance with Article 19 of the Agreement, provided that the European Community is prepared to do likewise.

This is on the understanding that the first instalment of the financial contribution, laid down by Article 2 of the Protocol, must be paid before 30 November 2009.

I should be grateful if you would confirm the agreement of the European Community to such a provisional application.'

I am pleased to confirm the agreement of the European Community to a provisional application.

Please accept, Sir, the assurance of my highest consideration.
FISHERIES PARTNERSHIP AGREEMENT
between the Republic of Guinea and the European Community

THE REPUBLIC OF GUINEA,
hereinafter referred to as 'Guinea',
and

THE EUROPEAN COMMUNITY,
hereinafter referred to as 'the Community',
hereinafter referred to as 'the Parties',

CONSIDERING the close working relationship between the Community and Guinea, particularly in the context of the Cotonou Agreement, and their mutual desire to intensify that relationship.

CONSIDERING the desire of the two Parties to promote the sustainable exploitation of fishery resources by means of cooperation.

HAVING REGARD TO the United Nations Convention on the Law of the Sea,

DETERMINED to apply the decisions and recommendations of the International Commission for the Conservation of Atlantic Tunas, hereinafter referred to as 'ICCAT'.

AWARE of the importance of the principles established by the Code of Conduct for Responsible Fisheries adopted at the FAO Conference in 1995.

DETERMINED to cooperate, in their mutual interest, in promoting the introduction of responsible fisheries to ensure the long-term conservation and sustainable exploitation of living marine resources.

CONVINCED that such cooperation must take the form of initiatives and measures which, whether taken jointly or separately, are complementary and ensure consistent policies and synergy of effort.

INTENDING, to these ends, to commence a dialogue on the sectoral fisheries policy adopted by the Government of Guinea and to identify the appropriate means of ensuring that this policy is effectively implemented and that economic operators and civil society are involved in the process.

DESIROUS of establishing terms and conditions governing the fishing activities of Community vessels in Guinean waters and Community support for the introduction of responsible fishing in those waters.

RESOLVED to pursue closer economic cooperation in the fishing industry and related activities through the setting up and development of joint enterprises involving companies from both Parties,

HEREBY AGREE AS FOLLOWS:

Article 1
Scope

This Agreement establishes the principles, rules and procedures governing:
— economic, financial, technical and scientific cooperation in the fisheries sector with a view to promoting responsible fishing in Guinea's fishing zones to guarantee the conservation and sustainable exploitation of fishery resources and develop Guinea's fisheries sector,

— the conditions governing access by Community fishing vessels to Guinea's fishing zones,

— cooperation on the arrangements for policing fisheries in Guinea's fishing zones with a view to ensuring that the above rules and conditions are complied with, that the measures for the conservation and management of fishery resources are effective and that illegal, undeclared and unregulated fishing is prevented,
— partnerships between companies aimed at developing economic activities in the fisheries sector and related activities, in the common interest.

(m) 'fishing authorisation' means the right to engage in fishing activities for a specific period, in a specific zone or specific fishery in accordance with this Agreement.

Article 2

Definitions

For the purposes of this Agreement:

(a) 'Guinean authorities' means the Ministry responsible for fisheries;

(b) 'Community authorities' means the European Commission;

(c) 'Guinea's fishing zone' means the waters over which, as regards fisheries, Guinea has jurisdiction. The fishing activities by Community vessels provided for in this Agreement shall be carried out only in the zones in which fishing is authorised under Guinean law;

(d) 'fishing vessel' means any vessel equipped for commercial exploitation of living aquatic resources;

(e) 'Community vessel' means a fishing vessel flying the flag of a Member State of the Community and registered in the Community;

(f) 'Joint Committee' means a committee made up of representatives of the Community and Guinea as specified in Article 10 of this Agreement;

(g) 'transhipment' means the transfer in or off the port of some or all of the catch from one fishing vessel to another vessel;

(h) 'unusual circumstances' means circumstances, other than natural phenomena, which are beyond the reasonable control of one of the Parties and are such as to prevent fishing activities in Guinean waters;

(i) 'ACP seaman' means any seaman who are nationals of a non-European signatory to the Cotonou Agreement. To this end, a Guinean seaman is an ACP seaman;

(j) 'surveillance' means the Centre National de Surveillance et de Protection des Pêches (CNSP);

(k) 'Delegation' means the European Commission Delegation to Guinea;

(l) 'shipowner' means any person legally responsible for a fishing vessel;

Article 3

Principles and objectives underlying the implementation of this Agreement

1. The Parties hereby undertake to promote responsible fishing in Guinea's fishing zones on the basis of the principles of non-discrimination between the different fleets fishing in those waters, without prejudice to the agreements concluded between developing countries within a geographical region, including reciprocal fisheries agreements.

2. The Parties undertake to establish the principles of dialogue and of prior consultations, in particular as regards implementation of the sectoral fisheries policy on the one hand and of Community policies and measures which could have an impact on the Guinean fisheries industry on the other.

3. The Parties shall also cooperate in carrying out ex-ante, ongoing and ex-post evaluations, both jointly and unilaterally, of measures, programmes and actions implemented on the basis of this Agreement.

4. The Parties hereby undertake to ensure that this Agreement is implemented in accordance with the principles of good economic and social governance, taking care to contribute towards the creation of jobs in Guinea and respecting the state of fishery resources.

5. In particular, the employment of ACP seamen on board Community vessels shall be governed by the International Labour Organisation (ILO) Declaration on Fundamental Principles and Rights at Work, which shall apply as of right to the corresponding contracts and general terms of employment. This concerns in particular the freedom of association and the effective recognition of the right to collective bargaining, and the elimination of discrimination in respect of employment and occupation.

Article 4

Scientific cooperation

1. During the period covered by this Agreement, the Community and Guinea shall endeavour to monitor the evolution of resources in Guinea's fishing zone.
2. The two Parties, on the basis of the recommendations and resolutions adopted within all the relevant international fisheries development and management organisations, and in the light of the best available scientific advice, shall consult each other within the Joint Committee provided for in Article 10 of the Agreement and adopt, where appropriate after a scientific meeting and by mutual agreement, measures to ensure the sustainable management of fishery resources affecting the activities of Community vessels.

3. The Parties undertake to consult one other, either directly, including at subregional level, or within the international organisations concerned, to ensure the management and conservation of living resources in the Atlantic Ocean, and to cooperate in the relevant scientific research.

Article 5
Access by Community vessels to the fisheries in Guinean waters

1. Guinea undertakes to authorise Community vessels to engage in fishing activities in its fishing zone in accordance with this Agreement, including the Protocol and Annex thereto.

2. The fishing activities governed by this Agreement shall be subject to the laws and regulations in force in Guinea. The Guinean authorities shall notify the Community of any amendments to that legislation. Without prejudice to any provisions which might be agreed between the Parties, Community vessels shall comply with such amendments within one month of their notification.

3. Guinea undertakes to take all the appropriate steps required for the effective application of the fisheries control provisions in the Protocol. Community vessels shall cooperate with the Guinean authorities responsible for carrying out such controls.

4. The Community undertakes to take all the appropriate steps required to ensure that its vessels comply with this Agreement and the legislation governing fisheries in the waters over which Guinea has jurisdiction, in accordance with the United Nations Convention on the Law of the Sea.

Article 6
Conditions governing fishing activities — Exclusivity clause

1. Community vessels may fish in Guinea's fishing zone only if they are in possession of a valid fishing authorisation issued by Guinea under this Agreement and the Protocol hereto.

2. For fishing categories not covered by the Protocol in force, and for exploratory fishing, the Ministry may grant fishing authorisations to Community vessels. However, the granting of these authorisations remains dependent on a favourable opinion from the two Parties.

3. The procedure for obtaining a fishing authorisation for a vessel, the charges applicable and the method of payment to be used by shipowners shall be as set out in the Annex to the Protocol.

Article 7
Financial contribution

1. The Community shall grant Guinea a financial contribution in accordance with the terms and conditions laid down in the Protocol and Annexes. This single contribution shall be based on two elements, namely:

(a) access by Community vessels to Guinea's waters and fishery resources; and

(b) Community financial support for introducing a national fisheries policy based on responsible fishing and on the sustainable exploitation of fishery resources in Guinean waters.

2. The element of the financial contribution referred to in paragraph (1b) above shall be determined in the light of objectives identified by mutual agreement between the Parties in accordance with the Protocol, to be achieved in the context of the sectoral fisheries policy drawn up by the Government of Guinea and an annual and multiannual programme for its implementation.

3. The financial contribution granted by the Community shall be paid each year in accordance with the Protocol and subject to this Agreement and the Protocol in the event of any change to the amount of the contribution as a result of:

(a) unusual circumstances;

(b) a reduction in the fishing opportunities granted to Community vessels, made by mutual agreement for the purposes of managing the stocks concerned, where this is considered necessary for the conservation and sustainable exploitation of resources on the basis of the best available scientific advice;

(c) an increase in the fishing opportunities granted to Community vessels, made by mutual agreement between the Parties where the best available scientific advice concurs that the state of resources so permits;

(d) a joint reassessment of the terms of financial support for implementing a sectoral fisheries policy in Guinea, where this is warranted by the results of the annual and multiannual programming observed by both Parties.
(e) termination of this Agreement under Article 15;

(f) suspension of the application of this Agreement under Article 14.

Article 8
Promoting cooperation among economic operators and civil society

1. The Parties shall encourage economic, scientific and technical cooperation in the fisheries sector and related sectors. They shall consult one another with a view to coordinating the different measures that might be taken to this end.

2. The Parties undertake to promote exchanges of information on fishing techniques and gear, preservation methods and the processing of fishery products.

3. The Parties shall endeavour to create conditions favourable to the promotion of relations between their enterprises in the technical, economic and commercial spheres, by working towards establishing an environment favourable to the development of business and investment.

4. The Parties shall encourage, in particular, the setting-up of joint enterprises in their mutual interest which shall systematically comply with Guinean and Community legislation.

Article 9
Administrative cooperation

The Contracting Parties, desirous of ensuring the effectiveness of the measures for the development and conservation of fishery resources, shall:

— develop administrative cooperation with a view to ensuring that their vessels comply with the provisions of this Agreement and with Guinean sea fisheries rules, each on its own behalf,

— cooperate to prevent and combat illegal, undeclared and unregulated fishing, in particular through the exchange of information and close administrative cooperation.

Article 10
Joint Committee

1. A Joint Committee shall be set up to monitor and check the application of this Agreement. The Joint Committee shall perform the following functions:

(a) monitoring the performance, interpretation and smooth operation of the application of the Agreement, and the settlement of disputes;

(b) monitoring and evaluating the contribution of the Fisheries Partnership Agreement to the implementation of Guinea’s sectoral fisheries policy;

(c) providing the necessary liaison for matters of mutual interest relating to fisheries;

(d) acting as a forum for the amicable settlement of any disputes regarding the interpretation or application of the Agreement;

(e) reassessing, where appropriate, the level of fishing opportunities and, consequently, of the financial contribution;

(f) defining the conditions governing fishing in accordance with the Protocol;

(g) fixing the practical arrangements for the administrative cooperation provided for in Article 9 of this Agreement;

(h) any other function that the Parties decide by mutual agreement to confer on it, including with regard to combating illegal, undeclared and unregulated fishing and administrative cooperation.

2. The Joint Committee shall meet at least once a year, alternately in Guinea and in the Community, and shall be chaired by the Party hosting the meeting. It shall hold a special meeting at the request of either of the Parties.

Article 11
Geographical area to which the Agreement applies

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Community applies, under the conditions laid down in that Treaty, and, on the other, to the territory of Guinea and the waters under Guinean jurisdiction.

Article 12
Duration

This Agreement shall apply for four years from the date of its entry into force; it shall be tacitly renewed for four-year periods, unless notice of termination is given in accordance with Article 15.

Article 13
Settlement of disputes

The Contracting Parties shall consult each other on any dispute concerning the interpretation and/or application of this Agreement.
Article 14

Suspension

1. Application of this Agreement may be suspended at the initiative of one of the Parties in the event of a serious disagreement as to the application of provisions laid down in the Agreement. Suspension of application of the Agreement shall require the interested Party to notify its intention in writing at least three months before the date on which suspension is due to take effect. On receipt of this notification, the Parties shall enter into consultations with a view to resolving their differences amicably.

2. Payment of the financial contribution referred to in Article 7 shall be reduced proportionately and pro rata temporis, according to the duration of the suspension.

Article 15

Termination

1. This Agreement may be terminated by either Party in the event of unusual circumstances such as the degradation of the stocks concerned, the discovery of a reduction in the level of fishing opportunities granted by Guinea to Community vessels, or failure to comply with undertakings made by the Parties with regard to combating illegal, undeclared and unregulated fishing.

2. The Party concerned shall notify the other Party in writing of its intention to terminate the Agreement at least six months before the date of expiry of the initial period or each additional period.

3. Dispatch of the notification referred to in paragraph 2 shall open consultations by the Parties.

4. Payment of the financial contribution referred to in Article 7 for the year in which the termination takes effect shall be reduced proportionately and pro rata temporis.

Article 16

Protocol and Annex

The Protocol and the Annex shall form an integral part of this Agreement.

Article 17

National law

The activities of Community fishing vessels operating in Guinean waters shall be governed by the applicable law in Guinea, unless otherwise provided for in the Agreement, this Protocol and the Annex and Appendices hereto.

Article 18

Repeal

On the date of its entry into force, this Agreement repeals and replaces the Agreement between the European Economic Community and the Republic of Guinea on fishing off the coast of Guinea which entered into force on 28 March 1983.

Article 19

Entry into force

This Agreement, drawn up in duplicate in the Bulgarian, Spanish, Czech, Danish, German, Estonian, Greek, English, French, Italian, Latvian, Lithuanian, Hungarian, Maltese, Dutch, Polish, Portuguese, Romanian, Slovak, Slovenian, Finnish and Swedish languages, each of these texts being equally authentic, shall enter into force on the date on which the Parties notify each other in writing that they have completed their respective necessary internal procedures to that end.
PROTOCOL

setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Community and the Republic of Guinea on fishing off the coast of Guinea for the period from 1 January 2009 to 31 December 2012

Article 1

Period of application and fishing opportunities

1. For a period of four years from 1 January 2009, the fishing opportunities granted under Article 5 of the Agreement shall be, for highly migratory species (species listed in Annex I to the 1982 United Nations Convention) as follows:

- freezer tuna seiners: 28 vessels,

- pole-and-line vessels: 12 vessels.

2. From the second year of application of this Protocol and following the joint evaluation of the state of shrimp stocks and the management of Guinean fisheries in this category, fishing opportunities for shrimp trawlers, at a rate of 800 grt per quarter, may be granted on an annual basis on the following conditions:

- implementation of transparent management of access to the shrimp fishery and, in particular, of the fishing effort deployed by national and foreign fleets on this species. To this end, Guinea shall transmit annually, by 31 October of each year, a summary table of the fishing effort on this species in Guinean waters,

- implementation of a surveillance, monitoring and control plan in Guinean waters,

- scientific analysis of the state of the resource and results of scientific surveys, which shall be communicated annually at the same time as the information on the fishing effort.

The conditions governing fishing for this category shall be defined by mutual agreement each year prior to the issue of the fishing authorisations and in any event prior to the payment of the additional annual financial contribution in proportion to the increase in fishing opportunities provided for in Article 2 of this Protocol.

3. Paragraphs 1 and 2 shall apply subject to Articles 4, 5, 6 and 7 of this Protocol.

4. Vessels flying the flag of a Member State of the European Community may engage in fishing activities in Guinea's fishing zone only if they are in possession of a valid fishing authorisation issued by Guinea under this Protocol in accordance with the Annex hereto.

Article 2

Financial contribution — Methods of payment

1. The financial contribution referred to in Article 7 of the Agreement shall comprise, for the period referred to in Article 1(1), an annual amount of EUR 325 000 equivalent to a reference tonnage of 5 000 tonnes per year and a specific amount of EUR 125 000 per year for the support and implementation of Guinean's sectoral fisheries policy. This specific amount shall form an integral part of the single financial contribution (i) defined in Article 7 of the Agreement.

If additional fishing opportunities are granted, in accordance with Article 1(2), the financial contribution referred to in Article 7 of the Agreement shall also comprise, for the period referred to in Article 1(2), an amount of up to EUR 300 000 per year in proportion to the increase in fishing opportunities.

The amounts referred to above shall be supplemented by a specific Community contribution of EUR 600 000 for the first year, EUR 400 000 for the second year and EUR 300 000 for the following years in order to reinforce the monitoring, control and surveillance system in Guinea's fishing zones and enable Guinea to acquire a satellite surveillance system by 30 June 2010. This contribution shall be managed in accordance with Article 7 of this Protocol.

2. Paragraph 1 shall apply subject to Articles 4, 5, 6 and 7 of this Protocol.

3. The Community shall pay the total amount fixed in paragraph 1 (i.e. EUR 1 030 000 for the first year and, where appropriate, EUR 1 150 000 for the second year and EUR 1 050 000 for the following years) each year during the period of application of this Protocol (ii). These amounts shall not prejudice any changes in fishing opportunities or any inclusion of new fishing opportunities which may be decided in accordance with Articles 4 and 5 of this Protocol.

(i) The contribution referred to in the first subparagraph of Article 1 shall be supplemented by the contributions provided for in Chapter II of this Annex, which are paid directly to Guinea and are estimated at EUR 118 000 per year, exclusive of charges in connection with the surveillance and research contribution.

(ii) These amounts shall be supplemented by the contributions provided for in Chapter II of this Annex, which are paid directly to Guinea and are estimated at EUR 118 000 per year, exclusive of charges in connection with the surveillance and research contribution.
4. If the overall quantity of catches by Community vessels in Guinea's fishing zones exceeds the reference tonnage, the amount of the annual financial contribution shall be increased by EUR 65 for each additional tonne caught. However, the total annual amount paid by the Community may not be more than twice the amount indicated in paragraph 3 (i.e. EUR 1 050 000 for the first year and, where appropriate, EUR 1 150 000 for the second year and EUR 1 050 000 for the following years). Where the quantities caught by Community vessels exceed the quantities corresponding to twice the total annual amount, the amount due for the quantity exceeding that limit shall be paid the following year.

5. Payment of the financial contribution laid down in paragraph 1 shall be made no later than 30 November 2009 in the first year and no later than 1 February in the following years.

6. Subject to Article 6, the allocation of these funds, except for the specific contribution provided for in the third subparagraph of Article 2(1) of this Protocol, shall be decided within the framework of the Guinean Finance Act and, this being the case, the Guinean authorities shall have full discretion regarding the use to which it is put.

7. The payments provided for in this Article shall be paid into a Public Treasury account opened at the Banque Centrale de la République de Guinée, the details of which shall be notified each year by the Ministry, except in the case of the specific contribution provided for in the third subparagraph of Article 2(1), which shall be paid directly into a Centre National de Surveillance et de Protection des Pêches account, and the first year following the adoption by the two Parties of the programming of these funds.

Article 3

Cooperation on responsible fishing — Scientific cooperation

1. The Parties hereby undertake to promote responsible fishing in Guinean waters on the basis of the principles of non-discrimination between the different fleets fishing in those waters.

2. During the period covered by this Protocol, the Community and the Guinean authorities shall endeavour to monitor the evolution of resources in Guinea's fishing zone.

3. The Parties undertake to promote cooperation at subregional level on responsible fishing and, in particular, within the International Commission for the Conservation of Atlantic Tunas (ICCAT) and any other subregional or international organisation concerned.

4. In accordance with Article 4 of the Agreement and in the light of the best available scientific advice, the Parties shall consult each other within the Joint Committee provided for in Article 10 of the Agreement and adopt, where appropriate after a scientific meeting possibly at subregional level, and by mutual agreement, measures to ensure the sustainable management of fishery resources affecting the activities of Community vessels. Those measures shall take account of the recommendations and resolutions adopted within the International Commission for the Conservation of Atlantic Tunas (ICCAT).

Article 4

Review of fishing opportunities by mutual agreement

1. The fishing opportunities referred to in Article 1 may be increased by mutual agreement provided that the conclusions of the scientific meeting referred to in Article 3(4) of this Protocol confirm that such an increase will not endanger the sustainable management of Guinea's resources. In this case the financial contribution referred to in Article 2(1) shall be increased proportionately and pro rata temporis.

2. Conversely, if the Parties agree to adopt a reduction in the fishing opportunities provided for in Article 1, the financial contribution shall be reduced proportionately and pro rata temporis.

3. The allocation of the fishing opportunities among different categories of vessels may also be reviewed, following consultations and by mutual agreement between the Parties, provided that any changes comply with recommendations made by the scientific meeting referred to in Article 3(4) of this Protocol regarding the management of stocks liable to be affected by such redistribution. The Parties shall agree on the corresponding adjustment of the financial contribution where the redistribution of fishing opportunities so warrants.

Article 5

Other fishing opportunities

1. Should Community vessels be interested in fishing activities which are not indicated in Article 1, the Community shall consult Guinea in order to seek authorisation for these new activities. Where appropriate, the Parties shall agree on the conditions applicable to these new fishing opportunities and, if necessary, make amendments to this Protocol and to the Annex hereto.

2. The Parties may carry out joint exploratory fishing surveys in Guinea's fishing zones, subject to an opinion by the scientific meeting provided for in Article 3(4) of this Protocol. To this end, they shall hold consultations whenever one of the Parties so requests and determine, on a case-by-case basis, relevant new resources, conditions and other parameters.

3. The two Parties shall carry out exploratory fishing activities in accordance with scientific, administrative and financial parameters adopted by mutual agreement. The authorisations for exploratory fishing shall be granted for test purposes, for a maximum of two six-month trips, from the date decided by mutual agreement between the two Parties.
4. Where the Parties conclude that the exploratory surveys have produced positive results, while preserving ecosystems and conserving living marine resources, new fishing opportunities may be awarded to Community vessels following the consultation procedure provided for in Article 4 of this Protocol and until the expiry of the Protocol and in accordance with the allowable effort. The financial contribution shall be increased accordingly.

Article 6
Suspension and review of the payment of the financial contribution in the event of unusual circumstances

1. Where unusual circumstances, other than natural phenomena, prevent fishing activities in Guinea's exclusive economic zone (EEZ), the European Community may suspend payment of the financial contribution provided for in Article 2(1) of this Protocol.

2. The suspension decision in the cases provided for in paragraph 1 above shall be taken following consultations between the two Parties within a period of two months following the request of one of the Parties, and provided that the Community has paid in full any amounts due at the time of suspension.

3. Payment of the financial contribution shall resume as soon as the Parties find, by mutual agreement following consultations, that the circumstances preventing fishing activities are no longer present and/or that the situation allows a resumption of fishing activities.

4. Where the validity of the fishing authorisations granted to Community vessels is suspended along with the payment of the financial contribution, it shall be extended by a period equal to the period during which fishing activities were suspended.

Article 7
Promotion of responsible fishing in Guinean waters

1. The entire amount of the financial contribution and specific contribution set in Article 2(1) of this Protocol shall be allocated each year to the support and implementation of initiatives taken in the context of the sectoral fisheries policy drawn up by the Government of Guinea and approved by the two Parties as detailed below.

Guinea shall manage the corresponding amount following the identification by mutual agreement between the two Parties, in accordance with the current priorities of Guinea's fisheries policy for ensuring sustainable and responsible management of the sector, of the objectives to be attained and the annual and multiannual programming required to attain them, pursuant to paragraph 2 below, in particular as regards control and surveillance, the management of resources, improving the health and hygiene conditions of fishery products and strengthening the inspection capacity of the competent authorities.

2. On a proposal from Guinea and for the purposes of implementing the preceding paragraph, as soon as this Protocol enters into force and no later than three months after that date, the Community and Guinea shall agree, within the Joint Committee provided for in Article 10 of the Agreement, on a multiannual sectoral programme and detailed implementing rules covering, in particular:

(a) annual and multiannual guidelines for using the percentage of the financial contribution referred to in paragraph 1 above and its specific amounts for the initiatives to be carried out each year;

(b) objectives, both annual and multiannual, to be achieved with a view to promoting over the long term responsible fishing and sustainable fisheries, taking account of the priorities expressed by Guinea in its national fisheries policy and other policies relating to or having an impact on the promotion of responsible fishing and sustainable fisheries;

(c) criteria and procedures for evaluating the results obtained each year.

3. The two Parties agree, however, to place particular emphasis on all the support measures for fisheries monitoring, control and surveillance, including surveillance of Guinean waters by sea and by air, setting up a satellite-based vessel monitoring system (VMS) and improving the legal framework and its application in the event of infringements.

4. Any proposed amendments to the multiannual sectoral programme or to the use of the specific amounts for the initiatives to be carried out each year must be approved by both Parties within the Joint Committee.

5. Each year, Guinea shall allocate the share corresponding to the amounts referred to in paragraph 1 with a view to implementing the multiannual programme. For the first year of application of the Protocol, that allocation shall be notified to the Community as soon as possible and in any event before the multiannual sectoral programme is approved within the Joint Committee. For each year thereafter, Guinea shall notify the Community of the allocation no later than 31 January of the previous year.

6. Where the joint annual evaluation of the progress made in implementing the multiannual sectoral programme so warrants, the European Community may adjust the amount earmarked for the support and implementation of Guinea's sectoral fisheries policy within the financial contribution referred to in Article 2(1) of this Protocol in order to bring the actual amount of financial resources allocated to implementation of the programme into line with its results.
7. The Community reserves the right to suspend payment of the specific contribution provided for in the third subparagraph of Article 2(1) of this Protocol where, save in exceptional and duly justified circumstances, the results obtained from the first year of application of the Protocol are found to be inconsistent with the programming following the evaluation carried out within the Joint Committee.

Article 8

Disputes — Suspension of application of the Protocol

1. Any dispute between the Parties over the interpretation of this Protocol or its application shall be the subject of consultations between the Parties within the Joint Committee provided for in Article 10 of the Agreement, in a special meeting if necessary.

2. Without prejudice to Article 9, application of the Protocol may be suspended at the initiative of one Party if the dispute between the two Parties is deemed to be serious and the consultations held within the Joint Committee under paragraph 1 have not resulted in an amicable settlement.

3. Suspension of application of the Protocol shall require the interested Party to notify its intention in writing at least three months before the date on which suspension is due to take effect.

4. In the event of suspension, the Parties shall continue to consult with a view to finding an amicable settlement to their dispute. As soon as an amicable settlement is reached, application of the Protocol shall resume and the amount of the financial contribution shall be reduced proportionately and pro rata temporis according to the period during which application of the Protocol was suspended.

Article 9

Suspension of application of the Protocol on grounds of non-payment

Subject to Article 6, if the Community fails to make the payments provided for in Article 2, application of this Protocol may be suspended on the following terms:

(a) the competent Guinean authorities shall notify the European Commission of the non-payment. The latter shall perform the appropriate checks and, where necessary, transmit the payment within no more than 60 working days of the date of receipt of the notification;

(b) if no payment is made and non-payment is not adequately justified within the period provided for in Article 2(5) of this Protocol, the competent Guinean authorities shall be entitled to suspend application of the Protocol. They shall inform the European Commission of such action forthwith;

(c) application of the Protocol shall resume as soon as the payment concerned has been made.

Article 10

National law

The activities of Community fishing vessels operating in Guinean waters shall be governed by the applicable law in Guinea, unless otherwise provided for in the Agreement, this Protocol and the Annex and Appendices hereto.

Article 11

Review clause

1. In the event of significant changes in the policy guidelines which led to the conclusion of this Protocol, either Party may request a review of the provisions with a view to a possible amendment thereof.

2. The Party concerned shall notify the other Party in writing of its intention to launch a review of this Protocol.

3. No later than 60 days following notification, the two Parties shall enter into consultations to this end. If no agreement is reached on the review of the provisions, the Party concerned may terminate the Protocol in accordance with Article 14 thereof.

Article 12

Repeal

This Protocol and its Annexes repeal and replace the current fisheries Protocol and the framework Agreement between the European Economic Community and Guinea on fishing off the Guinean coast.

Article 13

Duration

This Protocol and the Annexes hereto shall apply for a period of four years from 1 January 2009, unless notice of termination is given in accordance with Article 14.

Article 14

Termination

In the event of termination of the Protocol, the Party concerned shall notify the other Party in writing of its intention to terminate it at least six months before the date on which such termination would take effect. Dispatch of the notification referred to in the previous paragraph shall open consultations by the Parties.

Article 15

Entry into force

1. This Protocol with its Annex shall enter into force on the date on which the Parties notify each other of the completion of the procedures necessary for that purpose.

2. They shall apply with effect from 1 January 2009.
ANNEX

Conditions governing tuna fishing by Community vessels in Guinea’s fishing zone

CHAPTER I

APPLICATION AND ISSUE FORMALITIES FOR FISHING AUTHORISATIONS

SECTION I

Issue of fishing authorisations

1. Only eligible vessels may obtain an authorisation to fish in Guinea's fishing zone.

2. For a vessel to be eligible, the shipowner, the skipper and the vessel itself must not be prohibited from fishing in Guinea. They must be in order vis-à-vis the Guinean authorities in so far as they must have fulfilled all prior obligations arising from their fishing activities in Guinea under fisheries agreements concluded with the Community, particularly as regards signing on seamen.

3. The relevant Community authorities shall submit (by electronic means) to the Ministry responsible for fisheries in Guinea an application for each vessel wishing to fish under the Agreement at least 30 working days before the date of commencement of the period of validity requested.

4. Applications shall be submitted to the Ministry responsible for fisheries on a form drawn up in accordance with the specimen in Appendix I. The Guinean authorities shall take all the necessary steps to ensure that the data received as part of the fishing authorisation application are treated as confidential. Those data shall be used exclusively in the context of the implementation of the Fisheries Agreement.

5. All fishing authorisation applications shall be accompanied by the following documents:

— proof of payment of the flat-rate advance for the period of validity of the fishing authorisation,

— any other documents or certificates required under the specific rules applicable to the type of vessel concerned pursuant to this Protocol.

6. The fee shall be paid into the account specified by the Guinean authorities in accordance with Article 2(7) of the Protocol.

7. The fees shall include all national and local charges with the exception of the charge in connection with the fishing surveillance contribution, the charge in connection with the fisheries research contribution and service charges. The surveillance and research charges shall be applicable in proportion to actual presence in Guinea’s fishing zone and shall be paid by operators when the final statement of fees is drawn up in accordance with Section 2 of this Annex.

At the request of Guinea, and pending the signature of a VMS Protocol with the Community, the latter shall provide Guinea with satellite data on the periods when vessels were present in the Guinean fishing zone with a view to calculating the charges payable by shipowners under the surveillance contribution.

8. Fishing authorisations for all vessels shall be issued to shipowners or their representatives via the European Commission Delegation to Guinea within 15 working days of receipt of all the documents referred to in point 5 above by the Ministry responsible for fisheries in Guinea.

9. Fishing authorisations shall be issued for a given vessel and shall not be transferable.

10. However, at the request of the European Community and where force majeure is proven, a vessel’s fishing authorisation shall be replaced by a new fishing authorisation for another vessel of the same category as the first vessel, as referred to in Article 1 of the Protocol, with no further fee due. In this case, the calculation of the catch levels to determine whether an additional payment should be made shall take account of the sum of the total catches of the two vessels.
11. The owner of the first vessel, or his or her representative, shall return the cancelled fishing authorisation to the Ministry responsible for fisheries in Guinea via the European Commission Delegation.

12. The new fishing authorisation shall take effect on the day that the shipowner returns the cancelled fishing authorisation to the Ministry responsible for fisheries in Guinea. The Delegation of the European Commission to Guinea shall be informed of the fishing authorisation transfer.

13. The fishing authorisation shall be kept on board at all times. The European Community shall keep an up-to-date draft list of the vessels for which a fishing authorisation has been requested under this Protocol. This draft shall be notified to the Guinean authorities as soon as it is drawn up, and then each time it is updated. On receipt of this draft list of notification of payment of the advance sent to the coastal State authorities by the Commission, the vessel shall be entered by the competent Guinean authority on a list of vessels authorised to fish, which shall be notified to the authorities responsible for fisheries control. In this case, a certified copy of this list shall be sent to the shipowner and kept on board instead of the fishing authorisation until the authorisation has been issued.

14. The two Parties shall seek agreement for the purposes of promoting the introduction of a fishing authorisation system based exclusively on the electronic exchange of all the information and documents described above. The two Parties shall seek agreement for the purposes of promoting the rapid replacement of the paper fishing authorisation by an electronic equivalent such as the list of vessels authorised to fish in Guinea's fishing zone.

15. The Parties, acting in the Joint Committee, undertake to replace all references to grt in this Protocol with gt and to adapt all the provisions affected thereby accordingly. This replacement shall be preceded by appropriate technical consultations between the Parties.

SECTION 2
Fishing authorisation conditions — Fees and advance payments

1. Fishing authorisations shall be valid for a period of one year. They shall be renewable.

2. The fee per tonne caught within Guinea's fishing zone shall be EUR 35 in the case of tuna seiners and EUR 25 in the case of pole-and-line vessels.

3. Fishing authorisations shall be issued once the following standard amounts have been paid to the competent national authorities:

   — EUR 4,025 per tuna seiner, equivalent to the fees due for 115 tonnes per year.

   — EUR 500 per pole-and-line vessel, equivalent to the fees due for 20 tonnes per year.

4. Member States shall inform the European Commission not later than 15 June each year of the tonnages caught during the past year, as confirmed by the scientific institutes referred to in point 5 below.

5. The final statement of the fees due for year n shall be drawn up by the European Commission by 31 July of year n+1 at the latest on the basis of the catch declarations made by each shipowner and confirmed by the scientific institutes responsible for verifying catch data in the Member States, such as the Institut de Recherche pour le Développement (IRD), the Instituto Español de Oceanografía (IEO), the Instituto Português de Investigação Marítima (IPIMAR) and the Centre National des Sciences Halieutiques de B o tremurs (CNSHB). It shall be sent via the Delegation of the European Commission.

6. This statement shall be sent simultaneously to the Ministry responsible for fisheries in Guinea and to the shipowners.

7. Any additional payments (for quantities caught in excess of 115 tonnes for tuna seiners and 20 tonnes for pole-and-line vessels) shall be made by the shipowners to the competent Guinean national authorities by 31 August of year n + 1, into the account referred to in point 6 of Section 1 of this Chapter, on the basis of EUR 35 per tonne for seiners and EUR 25 for pole-and-line vessels.

8. However, if the amount of the final statement is lower than the advance referred to in point 3 of this Section, the resulting balance shall not be reimbursable to the shipowner.
CHAPTER II
FISHING ZONES
Community vessels may carry out fishing activities in waters beyond 12 nautical miles from the base lines or, where appropriate, beyond the 20 m isobath in the case of tuna seiners and pole-and-line vessels.

CHAPTER III
CATCH REPORTING ARRANGEMENTS
1. For the purposes of this Annex, the duration of a trip by a Community vessel in Guinea's fishing zone shall be defined as follows:
   
   — the period elapsing between entering and leaving Guinea's fishing zone, or
   
   — the period elapsing between entering Guinea's fishing zone and a transshipment and/or landing in Guinea.

2. All vessels authorised to fish in Guinean waters under the Agreement shall notify their catches to the Ministry responsible for fisheries in Guinea so that it can check the quantities caught, which shall be validated by the competent scientific institutes in accordance with the procedure referred to in point 5 of Section 2 of Chapter I of this Annex. Catches shall be notified as follows:

   2.1. During an annual period of validity of the fishing authorisation within the meaning of Section 2 of Chapter I of this Annex, declarations shall include the catches made by the vessel during each trip. The original of the declarations shall be transmitted on a physical medium to the Ministry responsible for fisheries in Guinea within 45 days following the end of the last trip made during the period. These notifications shall also be made by fax (+224 30 41 36 60) or e-mail (cnapkaly@yahoo.fr).

   2.2. Vessels shall declare their catches on the corresponding form in the logbook, in accordance with the specimen in Appendix 1. The words 'outside Guinea's fishing zone' shall be entered in the logbook in respect of periods during which the vessel is not in Guinea's fishing zone.

   2.3. The forms shall be filled in legibly and signed by the skipper of the vessel or by his or her legal representative.

   2.4. Catch declarations shall be reliable in order to contribute to the monitoring of the evolution of stocks.

3. Where the provisions set out in this Chapter are not complied with, the Guinean Government reserves the right to suspend the fishing authorisation of the offending vessel until formalities have been completed and to apply the penalty laid down in current Guinean legislation to the shipowner. The European Commission and the flag Member State shall be informed thereof.

4. The two Parties shall seek agreement for the purposes of promoting a catch reporting system based exclusively on the electronic exchange of all the information and documents described above. The two Parties shall seek agreement for the purposes of promoting the rapid replacement of the written declaration (logbook) by an equivalent in the form of an electronic file.

CHAPTER IV
TRANSHIPMENT AND LANDINGS
The two Parties shall cooperate with a view to improving landing or transhipment options in the ports of the Republic of Guinea.

1. Landings

Community tuna vessels which opt to land their catches in a Guinean port shall benefit from a reduction of EUR 5 per tonne fished in Guinea's fishing zone in the fee indicated in point 2 of Section 2 of Chapter I of this Annex.

An additional reduction of EUR 5 shall be granted where fisheries products are sold to a processing factory in Guinea.

This mechanism shall apply, for all Community vessels, up to a maximum of 50% of the final statement of catches (as defined in Chapter III of the Annex) from the first year of this Protocol.

2. Detailed rules on checks on the tonnages landed or transhipped shall be laid down at the first meeting of the Joint Committee.
3. Evaluation

The level of the financial incentives and the maximum percentage of the final statement of catches shall be adjusted within the Joint Committee, in accordance with the socioeconomic impact of landings in the year concerned.

CHAPTER V

EMBARKING SEAMEN

1. Shipowners shall undertake to employ, for the tuna-fishing season in Guinea's fishing zone, at least 20% of seamen of ACP origin, giving priority to Guinean seamen. Where those provisions are not complied with, the shipowners concerned may be considered by Guinea not to be eligible for a fishing authorisation under Section 1 of Chapter 1 of this Annex.

2. Shipowners shall endeavour to take on board additional Guinean seamen.

3. The International Labour Organization (ILO) Declaration on Fundamental Principles and Rights at Work shall apply as of right to seamen signed on by Community vessels. This concerns in particular the freedom of association and the effective recognition of the right to collective bargaining, and the elimination of discrimination in respect of employment and occupation.

4. The employment contracts of ACP seamen shall be drawn up between the shipowners' representative(s) and the seamen and/or their trade unions or representatives; a copy of these contracts shall be given to the signatories. These contracts shall guarantee the seamen the social security cover applicable to them, including life assurance and sickness and accident insurance.

5. The wages of the ACP seamen shall be paid by the shipowners. They shall be fixed by mutual agreement between the shipowners or their representatives and the seamen and/or their trade unions or representatives. However, the wage conditions granted to ACP seamen shall not be lower than those applied to crews from their respective countries and shall under no circumstances be below ILO standards. The guaranteed gross wage for non-Community seamen signed on freezer tuna seiners fishing under a Fisheries Partnership Agreement between the European Community and a third country shall be equal to the basic minimum wage laid down by the ILO resolution applicable to merchant shipping under the Maritime Labour Convention. This guaranteed wage shall be incorporated in labour contracts. If, however, the Convention concerning work in the fishing sector lays down more favourable provisions on the minimum wage or social rights than the Maritime Labour Convention, the former shall apply.

6. All seamen employed on board Community vessels shall report to the skipper of the vessel designated on the day before their proposed embarkation date. Where a seaman fails to report at the date and time agreed for embarkation, shipowners shall be automatically absolved of their obligation to take the seaman on board.

CHAPTER VI

TECHNICAL MEASURES

Vessels shall comply with the measures and recommendations adopted by ICCAT in the region regarding fishing gear and the technical specifications thereof and all other technical measures applicable to their fishing activities.

CHAPTER VII

OBSERVERS

1. Vessels authorized to fish in Guinean waters under the Agreement shall take on board observers appointed by the competent regional fisheries organisation on the terms set out below:

1.1. At the request of the competent authority, Community vessels shall take on board an observer designated by the authority in order to check catches made in Guinean waters.

1.2. The competent authority shall draw up a list of vessels designated to take an observer on board and a list of the appointed observers. These lists shall be kept up to date. They shall be forwarded to the European Commission as soon as they have been drawn up and every three months thereafter where they have been updated.

1.3. The competent authority shall inform the shipowners concerned, or their representatives, of the name of the observer appointed to be taken on board their vessel at the time the fishing authorisation is issued, or no later than 15 days before the observer's planned embarkation date.
2. The time spent on board by observers shall be one fishing trip. However, at the express request of the competent Guinean authorities, this embarkation may be spread over several trips according to the average duration of trip for a particular vessel. This request shall be made by the competent authority when the name of the observer appointed to board the vessel in question is notified.

3. The conditions under which observers are taken on board shall be agreed between shipowners or their representatives and the competent authority.

4. Observers shall be taken on board at a port chosen by the shipowner at the beginning of the first trip in Guinean waters after notification of the list of designated vessels.

5. Within two weeks and giving 10 days’ notice, the shipowners concerned shall make known at which ports in the subregion and on what dates they intend to take observers on board.

6. Where observers are taken on board in a country outside the subregion, their travel costs shall be borne by the shipowner. Should a vessel with a regional observer on board leave the regional fishing zone, all measures shall be taken to ensure the observer’s return as soon as possible at the expense of the shipowner.

7. If the observer is not present at the time and place agreed or within the 12 hours following the time agreed, shipowners shall be automatically absolved of their obligation to take the observer on board.

8. Observers shall be treated as officers. Where vessels are operating in Guinean waters, they shall carry out the following tasks:

8.1. observe the fishing activities of the vessels;

8.2. verify the position of vessels engaged in fishing operations;

8.3. perform biological sampling in the context of scientific programmes;

8.4. note the fishing gear used;

8.5. verify the catch data for Guinean waters recorded in the logbook;

8.6. verify the percentages of by-catches and estimate the quantity of discards of species of marketable fish;

8.7. report by any appropriate means fishing data, including the quantity of catches and by-catches on board, to their competent authority.

9. Skippers shall do everything in their power to ensure the physical safety and welfare of observers during performance of their duties.

10. Observers shall be offered every facility needed to carry out their duties. The skipper shall give them access to the means of communication needed for the discharge of their duties, to documents directly concerned with the vessel’s fishing activities, including in particular the logbook and the navigation log, and to those parts of the vessel necessary to facilitate the exercise of their tasks.

11. While on board, observers shall:

11.1. take all appropriate steps to ensure that the conditions of their boarding and presence on the vessel neither interrupt nor hamper fishing operations;

11.2. respect the material and equipment on board and the confidentiality of all documents belonging to the vessel.

12. At the end of the observation period and before leaving the vessel, observers shall draw up an activity report to be transmitted to the competent authorities, with a copy to the European Commission. They shall sign it in the presence of the skipper, who may add or cause to be added to it any observations considered relevant, followed by the skipper’s signature. A copy of the report shall be handed to the skipper when the scientific observer is put ashore.
13. Shipowners shall bear the cost of accommodating observers in the same conditions as the officers, within the confines of the practical possibilities offered by the vessel.

14. The salary and social contributions of observers shall be paid by the Ministry responsible for fisheries. Shipowners shall pay the Centre National de Surveillance et de Protection des Pêches EUR 15 for each day spent by an observer on board a vessel.

15. The two Parties shall consult each other, and interested third parties, as soon as possible as regards the definition of a system of regional observers and the choice of the competent regional fisheries organisation. Pending the implementation of a system of regional observers, vessels authorised to fish in Guinea’s fishing zone under the Agreement shall take on board, instead of regional observers, observers designated by the competent Guinean authorities in accordance with the rules set out above.

CHAPTER VIII

CONTROL

1. In accordance with point 13 of Section 1 of Chapter 1 of this Annex, the European Community shall keep an up-to-date draft list of the vessels to which a fishing authorisation has been issued under this Protocol. This list shall be notified to the Guinean authorities responsible for fisheries control as soon as it is drawn up and each time it is updated.

2. On receipt of this draft list and of notification of payment of the advance (referred to in point 3 of Section 2 of Chapter 1 of this Annex) sent to the coastal State authorities by the European Commission, the vessel shall be entered by the competent Guinean authority on a list of vessels authorised to fish, which shall be sent to the authorities responsible for fisheries control. In this case, a certified copy of this list may be obtained by the shipowner and kept on board instead of the fishing authorisation until the authorisation has been issued.

3. Entering and leaving the zone

3.1. At least three hours in advance Community vessels shall notify the competent Guinean authorities responsible for fisheries control of their intention to enter or leave Guinea’s fishing zone; they shall also declare the overall quantities and the species on board.

3.2. When notifying leaving, vessels shall also communicate their position. This information should preferably be communicated by fax (+ 224 30 41 36 60) or e-mail (cnskpaly@yahoo.fr) or, for vessels not equipped with a fax or e-mail, by radio (call sign of the Centre National de Surveillance et de Protection des Pêches).

3.3. Vessels found to be fishing without having informed the competent Guinean authority shall be regarded as vessels in breach of the legislation.

3.4. Vessels shall also be informed of the fax and telephone numbers and e-mail address when the fishing authorisation is issued.

4. Control procedures

4.1. Skippers of Community fishing vessels engaged in fishing activities in Guinea’s waters shall allow and facilitate boarding and the discharge of their duties by any Guinean official responsible for the inspection and control of fishing activities.

4.2. These officials shall not remain on board for longer than is necessary for the discharge of their duties.

4.3. Once the inspection and control has been completed, a certificate shall be issued to the skipper of the vessel.

5. Satellite control

All Community vessels fishing under this Agreement shall be subject to satellite monitoring in line with Appendix 2. These provisions shall enter into force on the 10th day following notification by the Guinean Government to the European Community Delegation to Guinea of the entry into operation of the Guinea's Centre National de Surveillance des Pêches.

6. Boarding

6.1. The competent Guinean authorities shall inform the flag State and the European Commission, within no more than 36 hours, of all boardings of and penalties imposed on Community vessels in Guinean waters.
6.2. The flag State and the European Commission shall at the same time receive a brief report of the circumstances and reasons leading to the boarding.

7. Statement of boarding

7.1. After the competent Guinean authority has drawn up a statement, the skipper of the vessel shall sign it.

7.2. This signature shall not prejudice the rights of the skipper or any defence which he or she may make to the alleged infringement. If the skipper refuses to sign this document, he or she shall specify the reasons for doing so in writing and the inspector shall write 'refusal to sign' on it.

7.3. The skipper shall take the vessel to the port indicated by the Guinean authorities. In the case of minor infringements, the competent Guinean authorities may authorise the boarded vessel to continue fishing.

8. Consultation meeting in the event of boarding

8.1. Before any measures regarding the skipper 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 of the receipt of the above information, between the European Commission and the competent Guinean authorities, possibly attended by a representative of the Member State concerned.

8.2. At the meeting, the Parties shall exchange any relevant documentation or information helping to clarify the circumstances of the findings. The shipowner or his or her representative shall be informed of the outcome of the meeting and of any measures resulting from the boarding.

9. Settlement of boarding

9.1. Before any judicial procedure, an attempt shall be made to resolve the presumed infringement by means of an amicable settlement. This procedure shall end no later than three working days after the boarding.

9.2. In the event of an amicable settlement, the amount of the fine shall be determined in accordance with Guinean legislation.

9.3. If the case cannot be resolved by means of an amicable settlement and has to be brought before a competent judicial body, a bank security set to take account of the boarding costs and the fines and compensation payable by the parties responsible for the infringement shall be paid by the shipowner into a bank account specified by the competent Guinean authorities.

9.4. The bank security shall be irrevocable until the legal proceedings have been concluded. It shall be released once legal proceedings end without a conviction. Similarly, in the event of a conviction leading to a fine of less than the security lodged, the balance shall be released by the competent Guinean authorities.

9.5. The vessel shall be released and its crew authorised to leave the port:

— once the obligations arising under the amicable settlement have been fulfilled, or

— when the bank security referred to in point 9.3 above has been lodged and accepted by the competent Guinean authorities, pending completion of the legal proceedings.

10. Transhipments

10.1. All Community vessels wishing to transship catches in Guinean waters shall do so in or off Guinean ports.

10.2. The owners of such vessels shall notify the following information to the competent Guinean authorities at least 24 hours in advance:

— the names of the transhipping fishing vessels,

— the names, IMO numbers and flag of the cargo vessels.
— the tonnage by species to be transhipped,
— the day and place of transhipment.

10.3. Transhipment shall be considered as an exit from Guinea's fishing zone. Skippers of vessels must submit their catch declarations to the competent Guinean authorities and state whether they intend to continue fishing or leave Guinea's fishing zone.

10.4. Any transhipment of catches not covered above shall be prohibited in Guinea's fishing zone. Any person infringing this provision shall be liable to the penalties provided for by Guinean law.

11. Skippers of Community fishing vessels engaged in landing or transhipment operations in a Guinean port shall allow and facilitate the control of such operations by Guinean inspectors. Once the inspection has been completed in the port, a certificate shall be issued to the skipper of the vessel.

Appendices

1. Application form for a fishing authorisation.
2. Provisions applicable to the satellite-based vessel monitoring system (VMS) and the coordinates of Guinea's fishing zone.
3. ICCAT logbook.
Appendix 1

APPLICATION FORM FOR A FISHING LICENCE

<table>
<thead>
<tr>
<th>For official use only</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
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</tr>
<tr>
<td>Licence number:</td>
<td></td>
</tr>
<tr>
<td>Date of signature:</td>
<td></td>
</tr>
<tr>
<td>Date of issue:</td>
<td></td>
</tr>
</tbody>
</table>

APPLICANT

Name of firm: .................................................................
Trade register number: .....................................................
Name and first name of person responsible: ................................
Date and place of birth: ....................................................
Occupation: .................................................................
Address: ...........................................................................

Number of employees: ...........................................................
Name and address of agent: ....................................................

VESSEL

Type of vessel: .................................................................
Registration number: .........................................................
New name: ...........................................................................
Former name: .................................................................
Date and place of construction: ..........................................
Original nationality: .........................................................
Length: ...............................................................................
Breadth: ...........................................................................
Depth: ............................................................................... 
Gross tonnage: .....................................................................
Net tonnage: .....................................................................
Type of construction materials: ...........................................
Make of main engine: .........................................................
Type: .................................................................................
HP rating: ...........................................................................
Propeller: Fixed: ☐ Variable: ☐ Ducted: ☐
Speed: ..............................................................................
Cell sign: ...........................................................................
Frequency: .........................................................................
List of sounding, navigating and transmission instruments:
Radar: ☐ Sonar: ☐ Net sounder: ☐
VHF: ☐ BLU: ☐ Satellite navigation: ☐ Other: ........................
Number of crew: ..................................................................

CONSERVATION

Ice: ☐ Ice and refrigeration: ☐
Freezing: In brine: ☐ dry: ☐ In refrigerated sea water: ☐
Total refrigeration power: ....................................................
Freezing capacity in tonnes/24 hours: ..................................
Hold capacity: ...................................................................
TYPE OF FISHING

A. Demersal

Inshore demersal: ☐
Deep-sea demersal: ☐
Type of trawl: cephalopod: ☐
shrimp: ☐
fish: ☐
Length of trawl: .................................................................
Length of headline: ...............................................................
Mesh size in the body: ...............................................................
Mesh size in the wings: ............................................................
Trawling speed: ........................................................................

B. Deep-sea pelagic (tuna)

Poles and line: ☐
Number of poles and lines: ☐
Sail: ☐
Length of net: ...........................................................
Depth of net: ...........................................................................
Number of tanks: .....................................................................
Capacity (tonnes): .................................................................

C. Longlines and pots

Surface: ☐
Bottom: ☐
Length of line: .................................................................
Number of hooks: .................................................................
Number of lines: .....................................................................
Number of pots: ......................................................................

SHORE INSTALLATIONS

Address and authorization number: ..........................................................
Name of firm: ...........................................................................
Activities: ............................................................................... 
Domestic wholesale fish trade: ☐
Export: ☐
Type and number of wholesale trader's card: .............................................
Description of processing and conservation plant:
..............................................................................................
..............................................................................................
..............................................................................................
Number of employees: ......................................................................

NB: Indicate affirmative answers by a tick in the appropriate box.

Technical remarks

Authorisation of the Ministry responsible for fisheries
COUNCIL DECISION
of 4 December 2007

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) The Community has negotiated with the Republic of Guinea-Bissau a new Fisheries Partnership Agreement providing Community vessels with fishing opportunities in the waters over which Guinea-Bissau has sovereignty or jurisdiction in respect of fisheries.

(2) As a result of those negotiations, a Fisheries Partnership Agreement was initialled on 23 May 2007.

(3) The existing Fisheries Agreement between the European Community and the Government of the Republic of Guinea-Bissau is repealed by the new Fisheries Partnership Agreement.

(4) In order to guarantee the continuation of fishing activities by Community vessels, it is essential that the new Fisheries Partnership Agreement should be applied as quickly as possible. Both parties have therefore initialled an Agreement in the form of an Exchange of Letters on the provisional application of the Protocol attached to the new Fisheries Partnership Agreement from 16 June 2007.

(5) It is in the Community’s interest to approve the Agreement in the form of an Exchange of Letters.

(6) The method for allocating the fishing opportunities among the Member States should be defined,

HAS DECIDED AS FOLLOWS:

II Acts adopted under the EC Treaty/Euratom Treaty whose publication is not obligatory

DECISIONS

Council

2007/854/EC


Agreement in the form of an Exchange of Letters on the provisional application of the Fisheries Partnership Agreement between the European Community and the Republic of Guinea-Bissau for the period 16 June 2007 to 15 June 2011

Fisheries Partnership Agreement between the European Community and the Republic of Guinea-Bissau for the period 16 June 2007 to 15 June 2011
The Agreement in the form of an Exchange of Letters on the provisional application of the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Republic of Guinea-Bissau for the period 16 June 2007 to 15 June 2011 is hereby approved on behalf of the Community, subject to the Council Decision on its conclusion.

The texts of the Agreement in the form of an Exchange of Letters, the Fisheries Partnership Agreement, its Protocol and the Annexes thereto are attached to this Decision.

1. The fishing opportunities set out in the Protocol shall be allocated among the Member States as follows:

   (a) shrimp fishing:

<table>
<thead>
<tr>
<th>Country</th>
<th>Quota</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spain</td>
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<tr>
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<tr>
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<td>137</td>
</tr>
<tr>
<td>Portugal</td>
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</tr>
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</table>

   (b) fin-fish/cephalopods:

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<tr>
<td>Italy</td>
<td>266</td>
</tr>
<tr>
<td>Greece</td>
<td>471</td>
</tr>
</tbody>
</table>

   (c) tuna seiners and surface longliners:

<table>
<thead>
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</tr>
</thead>
<tbody>
<tr>
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<tr>
<td>France</td>
<td>9</td>
</tr>
<tr>
<td>Portugal</td>
<td>4</td>
</tr>
</tbody>
</table>

   (d) pole-and-line vessels:

<table>
<thead>
<tr>
<th>Country</th>
<th>Quota</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spain</td>
<td>10</td>
</tr>
<tr>
<td>France</td>
<td>4</td>
</tr>
</tbody>
</table>

2. If licence applications from the Member States referred to in paragraph 1 do not cover all the fishing opportunities fixed by the Protocol, the Commission may take into consideration licence applications from any other Member State.

Article 3

The Member States whose vessels fish under the Agreement referred to in Article 1 shall notify the Commission of the quantities of each stock caught within the Guinea-Bissau fishing zone in accordance with Commission Regulation (EEC) No 500/2001 of 14 March 2001 laying down detailed rules for the application of Council Regulation (EEC) No 2847/93 on the monitoring of catches taken by Community fishing vessels in third country waters and on the high seas (1).

Article 4

The President of the Council is hereby authorised to designate the persons empowered to sign the Agreement in the form of an Exchange of Letters in order to bind the Community.

Done at Brussels, 4 December 2007,

For the Council

The President

F. TEIXEIRA DOS SANTOS

(1) OJ L 73, 15.3.2001, p. 1

AGREEMENT

in the form of an Exchange of Letters on the provisional application of the Fisheries Partnership Agreement between the European Community and the Republic of Guinea-Bissau for the period 16 June 2007 to 15 June 2011

Sir,

I am delighted that the Republic of Guinea-Bissau and European Community negotiators have been able to reach a consensus on a Fisheries Partnership Agreement between the Republic of Guinea-Bissau and the European Community, and on a Protocol setting out the fishing opportunities and financial contribution and the Annex thereto.

The result of these negotiations improves on the earlier Agreement and will strengthen our fisheries relations and establish a true framework of partnership in which to develop a sustainable fisheries policy and responsible exploitation of fisheries resources in Guinea-Bissau waters. To this end, I would propose launching in parallel the procedures for approval and ratification of the texts of the Agreement, the Protocol and its Annex and Appendices in accordance with the procedures in force in the Republic of Guinea-Bissau and the European Community and necessary to their entry into force.

In order to avoid interrupting fishing activities by Community vessels in Guinea-Bissau waters, and referring to the Agreement and the Protocol initialled on 23 May 2007 and setting out the fishing opportunities and financial contribution from 16 June 2007 to 15 June 2011, I have the honour to inform you that the Government of the Republic of Guinea-Bissau is willing to apply this Agreement and this Protocol provisionally from 16 June 2007 pending their entry into force in accordance with Article 19 of the Agreement, provided that the European Community is prepared to do likewise.

This is on the understanding that the first instalment of the financial contribution, laid down by Article 2 of the Protocol, must be paid before 30 April 2008.

I should be obliged if you would confirm the European Community’s agreement to such provisional application.
Please accept, Sir, the assurance of my highest consideration.

For the Government of the Republic of Guinea-Bissau

Sir,

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

'Sir,

I am delighted that the Republic of Guinea-Bissau and European Community negotiators have been able to reach an agreement on a Fisheries Partnership Agreement between the Republic of Guinea-Bissau and the European Community, and on a Protocol setting out the fishing opportunities and financial contribution and the Annex thereto.

The result of these negotiations improves on the earlier Agreement and will strengthen our fisheries relations and establish a true framework of partnership in which to develop a sustainable fisheries policy and responsible exploitation of fisheries resources in Guinea-Bissau waters. To this end, I would propose launching in parallel the procedures for approval and ratification of the texts of the Agreement, the Protocol and its Annex and Appendices in accordance with the procedures in force in the Republic of Guinea-Bissau and the European Community and necessary to their entry into force.

In order to avoid disrupting fishing activities by Community vessels in Guinea-Bissau waters, and referring to the Agreement and the Protocol initialed on 23 May 2007 and setting out the fishing opportunities and financial contribution from 16 June 2007 to 15 June 2011, I have the honour to inform you that the Government of the Republic of Guinea-Bissau is willing to apply this Agreement and this Protocol provisionally from 16 June 2007 pending its entry into force in accordance with Article 19 of the Agreement, provided that the European Community is prepared to do likewise.

This is on the understanding that the first installment of the financial contribution, laid down by Article 2 of the Protocol, must be paid before 30 April 2008.

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

I am pleased to confirm the agreement of the European Community to a provisional application.

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

For the European Community

FISHERIES PARTNERSHIP AGREEMENT

between the European Community and the Republic of Guinea-Bissau for the period 16 June 2007 to 15 June 2011

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community',

and

THE REPUBLIC OF GUINEA-BISSAU, hereinafter referred to as 'Guinea-Bissau',

hereinafter referred to as 'the Parties',

CONSIDERING the close working relationship between the Community and Guinea-Bissau, particularly in the context of the Cotonou Agreement establishing a relationship of close cooperation between the European Community and its Member States, on the one part, and Guinea-Bissau, on the other part, and their mutual desire to intensify that relationship,

RECALLING that the Community and Guinea-Bissau are signatories to the United Nations Convention on the Law of Sea and that, in accordance with that Convention, Guinea-Bissau has established an exclusive economic zone extending 200 nautical miles from its shores within which it exercises its sovereign rights for the purpose of exploring, conserving and managing that zone,

DETERMINED to apply the decisions and recommendations of the International Commission for the Conservation of Atlantic Tuna, hereinafter referred to as 'ICCAT', the CECAF or any other regional or international organisation in this area of which the two Parties are members or in which they are represented,

DETERMINED to cooperate, in their mutual interest, in particular on the basis of the principles established by the Code of conduct for responsible fisheries adopted at the FAO Conference in 1995, in promoting the introduction of responsible fisheries to ensure the long-term conservation and sustainable exploitation of marine living resources, in particular by reinforcing the control system covering fishing activities as a whole, in order to ensure the effectiveness of the measures for the development and conservation of these resources, and the protection of the marine environment,

AFFIRMING that the exercise by coastal States of their sovereign rights in the waters within their jurisdiction over the living resources thereof for the purposes of exploring, exploiting, conserving and managing those resources must be in accordance with the principles of international law,

CONVINCED that the achievement of their respective economic and social objectives in the fisheries sector will be furthered by close cooperation in scientific and technical research in that sector on terms ensuring the conservation and rational exploitation of fish stocks,

CONVINCED that such cooperation must take the form of initiatives and measures which, whether taken jointly or separately, are complementary and ensure consistent policies and synergy of effort,

FIRMLY COMMITTED to responsible and sustainable fishing,

DECIDED, to these ends, to contribute, within the framework of Guinea-Bissau's sectoral fisheries policy, to promoting the development of a partnership with a view in particular to identifying the most appropriate means of ensuring that this policy is effectively implemented and that economic operators and civil society are involved in the process,

DESIRING of establishing terms and conditions governing the fishing activities of Community vessels in Guinea-Bissau fishing zones and Community support for the introduction of responsible fishing in those fishing zones,

RESOLVED to pursue closer economic cooperation in the fishing industry and related activities through the setting up and development of investments in Guinea-Bissau involving companies from both Parties,

HEREBY AGREE AS FOLLOWS:

Article 1

Scope

This Agreement establishes the principles, rules and procedures governing economic, financial, technical and scientific cooperation in the fisheries sector with a view to establishing responsible fishing in Guinea-Bissau
fishing zones to guarantee the conservation and sustainable exploitation of fisheries resources and develop the Guinea-Bissau fisheries sector,

— the conditions governing access by Community fishing vessels to Guinea-Bissau fishing zones,

— the arrangements for policing fisheries in Guinea-Bissau fishing zones with a view to ensuring that the above rules and conditions are complied with, that the measures for the conservation and management of fish stocks are effective and that illegal, undeclared and unregulated fishing is prevented,

— partnerships between companies aimed at developing economic activities in the fisheries sector and related activities, in the common interest.

Article 2

Definitions

For the purposes of this Agreement, including the Protocol and the Annexes thereto:

(a) ‘Guinea-Bissau fishing zones’ means the waters over which Guinea-Bissau has sovereignty or jurisdiction. The fishing activities by Community vessels provided for in this Agreement shall be carried out only in the zones in which fishing is authorised under Guinea-Bissau law;

(b) ‘the Ministry’ means the Government department responsible for the fisheries sector;

(c) ‘Community authorities’ means the European Commission;

(d) ‘Community vessel’ means a fishing vessel flying the flag of a Member State of the Community and registered in the Community;

(e) ‘Joint Committee’ means a committee made up of representatives of the Community and Guinea-Bissau whose functions are described in Article 10 of this Agreement;

(f) ‘surveillance authority’ means the fisheries surveillance directorate;

(g) ‘the Delegation’ means the Delegation of the European Commission to Guinea-Bissau;

(h) ‘ACP seamen’ means any seamen who are nationals of a non-European signatory to the Cotonou Agreement. To this end, a Guinea-Bissau seaman is an ACP seaman;

(i) ‘shipowner’ means any person legally responsible for a fishing vessel.

Article 3

Principles and objectives underlying this Agreement

1. The Parties hereby undertake to promote responsible fishing and sustainable exploitation of fisheries resources in Guinea-Bissau fishing zones based on the principle of non-discrimination between the different fleets fishing in those waters.

2. The Parties undertake to establish the principles of dialogue and of prior consultations, in particular as regards implementation of Guinea-Bissau’s sectoral fisheries policy on the one hand and of Community policies and measures which could have an impact on the Guinea-Bissau fishing industry on the other.

3. The Parties hereby undertake to ensure that this Agreement is implemented in accordance with the principles of good economic and social governance.

4. The Parties shall also cooperate in carrying out ex-ante, ongoing and ex-post evaluations of measures, programmes and actions for the implementation of this Agreement.

5. In particular, the employment of Guinea-Bissau and/or ACP seamen on board Community vessels shall be governed by the International Labour Organisation (ILO) Declaration on Fundamental Principles and Rights at Work, which shall apply as of right to the corresponding contracts and general terms of employment. This concerns in particular the freedom of association and the effective recognition of the right to collective bargaining, and the elimination of discrimination in respect of employment and occupation.

Article 4

Scientific cooperation

1. During the period covered by this Agreement, the Community and Guinea-Bissau shall endeavour to monitor the evolution of resources in the Guinea-Bissau fishing zone. A joint scientific meeting shall be held annually to that end, alternately in the Community and in Guinea-Bissau.

2. The two Parties, on the basis of the conclusions of the annual scientific meeting and in the light of the best available scientific advice and the recommendations and resolutions adopted in particular within the International Commission for the Conservation of Atlantic Tuna (ICCAT), the Fishery Committee for the Eastern Central Atlantic (CECAF) or any other regional or international organisation in this area of which the two Parties are members or in which they are represented, shall consult each other within the Joint Committee provided for in Article 10 of the Agreement and adopt, where appropriate and by mutual agreement, measures to ensure the sustainable management of fisheries resources.

3. The Parties undertake to consult one another, either directly or within the competent international or regional organisations, to ensure the management and conservation of fisheries resources, and to cooperate in implementing the relevant scientific research.

Article 5

Access by Community vessels to fisheries in Guinea-Bissau fishing zones

1. The fishing activities governed by this Agreement shall be subject to the laws and regulations in force in Guinea-Bissau. The competent Guinea-Bissau authorities shall notify the Commission of any amendments to that legislation. Without prejudice to any provisions which might be agreed between the Parties, Community vessels shall comply with such amendments within one month of their notification.

2. Guinea-Bissau undertakes to authorise Community vessels to engage in fishing activities in its fishing zones in accordance with this Agreement, including the Protocol and Annexes thereto.

3. Guinea-Bissau shall ensure the effective implementation of the fisheries control provisions in the Protocol. Community vessels shall cooperate with the Guinea-Bissau authorities responsible for carrying out such control.

4. The Community undertakes to take all the appropriate steps required to ensure that its vessels comply with this Agreement and the legislation governing fisheries in the waters over which Guinea-Bissau has jurisdiction, in accordance with the United Nations Convention on the Law of the Sea.

Article 6
Conditions governing fishing activities

1. Community vessels may fish in Guinea-Bissau fishing zones only if they are in possession of a fishing licence issued under this Agreement. The exercise of fishing activities by Community vessels shall be subject to the holding of a licence issued by the competent Guinea-Bissau authorities at the request of the competent Community authorities. The procedures for the issue of licences and for the payment of fees and contributions to scientific observers’ expenses, and other conditions to which fishing activities by Community vessels in Guinea-Bissau fishing zones are subject, are set out in the Annexes hereto.

2. For fishing categories not covered by the Protocol in force, and for exploratory fishing, the Ministry may grant fishing authorisations to Community vessels. However, the granting of these licences remains dependent on a favourable opinion from the two Parties.

3. The Protocol to this Agreement sets out the fishing opportunities granted by Guinea-Bissau to Community vessels in Guinea-Bissau fishing zones and the financial contribution referred to in Article 7 of this Agreement.

4. The Parties shall ensure the proper implementation of these procedures and conditions by appropriate administrative cooperation between their competent authorities.

Article 7

Financial contribution

1. The Community shall grant Guinea-Bissau a financial contribution in accordance with the terms and conditions laid down in the Protocol and Annexes. This single contribution shall be based on two elements, namely:

(a) a financial contribution due for access by Community vessels to Guinea-Bissau fishing zones, without prejudice to the fees due by Community vessels to obtain licences;

(b) Community financial support for implementing a national fisheries policy based on responsible fishing and on the sustainable exploitation of fisheries resources in Guinea-Bissau waters.

2. The financial support referred to in paragraph 1(b) shall be determined by mutual agreement in accordance with the Protocol in the light of objectives identified by the two Parties to be achieved in the context of the sectoral fisheries policy in Guinea-Bissau.

3. The financial contribution granted by the Community shall be paid each year in accordance with the Protocol and subject to this Agreement and the Protocol in the event of any change to the amount of the contribution as a result of:

(a) serious circumstances, other than natural phenomena, preventing fishing activities in Guinea-Bissau waters;

(b) a reduction in the fishing opportunities granted to Community vessels, made by mutual agreement for the purposes of managing the stocks concerned, where this is considered necessary for the conservation and sustainable exploitation of resources on the basis of the best available scientific advice;

(c) an increase in the fishing opportunities granted to Community vessels, made by mutual agreement between the Parties where the best available scientific advice concurs that the state of resources so permits;

(d) a reassessment of the terms of Community financial support for implementing a sectoral fisheries policy in Guinea-Bissau, where this is warranted by the results of the annual and multiannual programming observed by both Parties;

(e) termination of this Agreement under Article 14;

(f) suspension of the application of this Agreement under Article 15 or the Protocol.

Article 8

Promoting cooperation among economic operators

1. The Parties shall encourage economic, scientific and technical cooperation in the fisheries sector and related sectors. They shall consult one another with a view to coordinating the different measures that might be taken to this end.

2. The Parties shall encourage exchanges of information on fishing techniques and gear, preservation methods and the industrial processing of fishery products.

3. The Parties shall endeavour to create conditions favourable to the promotion of relations between their enterprises in the technical, economic and commercial spheres, by encouraging the establishment of an environment favourable to the development of business and investment.

4. The Parties shall encourage, in particular, the promotion of investments in their mutual interest, in compliance with Guinea-Bissau and Community law.

Article 9

Administrative cooperation

The Parties, desirous of ensuring the effectiveness of the measures for the development and conservation of fishery resources, shall:

— develop administrative cooperation with a view to ensuring that their vessels comply with the provisions of this Agreement and with Guinea-Bissau’s sea fisheries rules, each on its own behalf;

— cooperate to prevent and combat illegal, undeclared and unregulated fishing, in particular through the exchange of information and close administrative cooperation.

Article 10

Joint Committee

1. A Joint Committee set up between the two Parties shall be responsible for monitoring the application of this Agreement. The Joint Committee shall perform the following functions:

(a) monitoring the performance, interpretation and smooth operation of the application of the Agreement, and the settlement of disputes;

(b) monitoring and evaluating the implementation of the contribution of the Fisheries Partnership Agreement to the implementation of Guinea-Bissau’s sectoral fisheries policy;

(c) providing the necessary liaison for matters of mutual interest relating to fisheries;

(d) acting as a forum for the amicable settlement of any disputes regarding the interpretation or application of the Agreement;
reassessing, where necessary, the level of fishing opportunities and, consequently, of the financial contribution;

(f) fixing the practical arrangements for the administrative cooperation provided for in Article 9 of this Agreement;

(g) monitoring and evaluating the cooperation between economic operators as referred to in Article 8 of this Agreement and proposing, where necessary, ways of promoting it;

(h) any other function that the Parties decide by mutual agreement to confer on it, including with regard to combating illegal fishing and administrative cooperation.

2. The Joint Committee shall meet at least once a year, alternately in Guinea-Bissau and in the Community, and shall be chaired by the Party hosting the meeting. It shall hold a special meeting at the request of either of the Parties.

Article 11
Area of application

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Community applies, under the conditions laid down in that Treaty, and, on the other, to the territory of Guinea-Bissau and the waters under Guinea-Bissau jurisdiction.

Article 12
Duration

This Agreement shall apply for four years from the date of its entry into force. It shall be renewable for four-year periods unless notice of termination is given in accordance with Article 14.

Article 13
Settlement of disputes

The Parties shall consult each other within the Joint Committee on any dispute concerning the application of this Agreement.

Article 14
Termination

1. This Agreement may be terminated by either Party in the event of unusual circumstances such as the degradation of the stocks concerned, the discovery of a reduced level of exploitation of the fishing opportunities granted to Community vessels, or failure to comply with undertakings made by the Parties with regard to combating illegal, unreported and unregulated fishing.

2. The Party concerned shall notify the other Party in writing of its intention to terminate the Agreement at least six months before the date of expiry of the initial period or each additional period.

3. Dispatch of the notification referred to in paragraph 2 shall open consultations by the Parties.

4. Payment of the financial contribution referred to in Article 7 for the year in which the termination takes effect shall be reduced proportionately and pro rata temporis.

Article 15
Suspension

1. Application of this Agreement may be suspended at the initiative of one of the Parties in the event of a serious disagreement as to the application of provisions laid down in the Agreement. Suspension of application of the Agreement shall require the interested Party to notify its intention in writing at least three months before the date on which suspension is due to take effect. On receipt of this notification, the Parties shall enter into consultations with a view to resolving their differences amicably.

2. Payment of the financial contribution referred to in Article 7 shall be reduced proportionately and pro rata temporis, according to the duration of the suspension, without prejudice to Article 9(4) of the Protocol.

Article 16
Protocol and Annexes

The Protocol, the Annexes and the Appendices thereto shall form an integral part of this Agreement.

Article 17
National law

The activities of Community vessels operating in Guinea-Bissau waters shall be governed by the applicable law in Guinea-Bissau, unless otherwise provided in the Agreement, this Protocol and the Annex and Appendices thereto.

Article 18
Repeal

On the date of its entry into force, this Agreement shall repeal and replaces the Agreement between the Government of the Republic of Guinea-Bissau and the European Economic Community on fishing off the coast of Guinea-Bissau which entered into force on 29 August 1980.

However, the Protocol setting out for the period from 16 June 2007 to 15 June 2011 the fishing opportunities and financial contribution provided for in the Agreement shall remain in force during the period referred to in Article 1(1) thereof and shall become an integral part of this Agreement.

Article 19
Entry into force

This Agreement, drawn up in duplicate in the Bulgarian, Spanish, Czech, Danish, German, Estonian, Greek, English, French, Italian, Latvian, Lithuanian, Hungarian, Maltese, Dutch, Polish, Portuguese, Romanian, Slovak, Slovenian, Finnish and Swedish languages, each of these texts being equally authentic, shall enter into force on the date on which the Parties notify each other that they have completed the necessary procedures to that end.
PROTOCOL

setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Republic of Guinea-Bissau for the period 16 June 2007 to 15 June 2011

Article 1

Period of application and fishing opportunities

1. For a period of four years from 16 June 2007, the fishing opportunities granted pursuant to Articles 5 and 6 of the Agreement shall be as follows:

— crustaceans and demersal species:
  (a) freezer shrimp trawlers: 4 400 GRT per year;
  (b) freezer, fin-fish and cephalopod trawlers: 4 400 GRT per year;
— highly migratory species (species listed in Annex I to the 1982 United Nations Convention):
  (c) freezer tuna seiners and longliners: 23 vessels,
  (d) pole-and-line tuna vessels: 14 vessels,

2. Paragraph 1 shall apply subject to Articles 5 and 6 of this Protocol.

3. Under Article 6 of the Agreement, vessels flying the flag of a Member State of the European Community may fish in Guinea-Bissau fishing zones only if they are in possession of a fishing licence issued under this Protocol in accordance with the Annexes hereto.

Article 2

Financial contribution and specific contribution — Methods of payment

1. The financial contribution referred to in Article 7 of the Agreement shall be fixed, for the period referred to in Article 1 of this Protocol, at EUR 7 million per year.

2. However, if the use of the fishing opportunities provided for in Article 1(1)(a) and (b) of this Protocol by Community vessels improves, the Community shall grant an additional amount to Guinea-Bissau proportionate to the increase in the use of the fishing opportunities, within the limits of the fishing opportunities set by this Protocol and up to a maximum EUR 1 million per year. The two Parties shall agree, within the Joint Committee, and no later than three months after the entry into force of this Protocol, to determine the reference period, the base index and the specific payment mechanisms.

3. Paragraph 1 shall apply subject to Articles 5, 6, 7, 8, 9, 11 and 12 of this Protocol.

4. The Community shall pay the financial contribution fixed in paragraph 1 no later than 30 April 2008 in the first year and no later than 15 June in the following years.

5. Subject to Article 8 of this Protocol, the allocation of this contribution shall be decided within the framework of the Guinea-Bissau financial act and the Guinea-Bissau authorities shall have full discretion regarding the use to which it is put.

6. In addition to the amount referred to in paragraph 1, a specific contribution from the Community of EUR 500,000 per year shall be dedicated to the introduction of a health and plant health system for fishery products. However, the two Parties may, where necessary, decide to allocate part of this specific contribution to strengthening monitoring, control and surveillance in Guinea-Bissau fishing zones. This contribution shall be managed in accordance with Article 3 of this Protocol.

7. Without prejudice to Article 3 of this Protocol, the specific contribution referred to in paragraph 6 shall be paid no later than 30 April 2008 in the first year and no later than 15 June in the following years.

8. The payments provided for in this Article shall be paid into a Public Treasury account opened at Guinea-Bissau’s central bank, the references of which shall be notified each year by the Ministry.

Article 3

Specific contribution to help improve the health and plant-health conditions of fishery products and to fisheries monitoring, control and surveillance

1. The specific contribution from the Community mentioned in Article 2(6) of this Protocol shall be put towards helping the fisheries sector achieve compliance with health standards and, where necessary, towards Guinea-Bissau’s monitoring, control and surveillance policy.

2. Guinea-Bissau shall be responsible for the management of the corresponding amount, based on the identification by the two Parties, by mutual agreement, of the measures to be carried out and the annual and multiannual programming to attain them.

3. Without prejudice to the objectives identified by the two Parties and in accordance with Articles 8 and 9 of this Protocol, the Parties agree to focus on:

(a) measures which aim to improve the health and plant-health conditions of fishery products, including building up the competent authority, bringing the Centro de Investigação Pesqueira Apliquada (CIPA) up to standards (ISO 9000), training staff and achieving compliance in the necessary legal framework;

and, where necessary,

(b) support measures for fisheries monitoring, control and surveillance, including surveillance of Guinea-Bissau waters by sea and by air, setting up a satellite vessel monitoring system (VMS) and improving the legal framework and its application in the event of infringements.

4. A detailed annual report shall be submitted for approval to the Joint Committee provided for in Article 10 of the Agreement.

5. However, the Community reserves the right to suspend payment of the specific contribution provided for in Article 2(6) of this Protocol, from the first year of application of the Protocol, in the event of disputes concerning the programming of measures or where the results obtained, except in exceptional circumstances, do not comply with the programming.

Article 4

Scientific cooperation

1. The two Parties undertake to promote responsible fishing in the Guinea-Bissau fishing zone on the basis of the principles of sustainable management, in particular by promoting cooperation at subregional level on responsible fishing, particularly within the Subregional Fisheries Commission (CSRFP).
2. During the period covered by this Protocol, the two Parties shall cooperate to develop certain issues relating to the state of resources in Guinea-Bissau fishing zones. To this end a Joint Scientific Committee shall meet at least once a year, in accordance with Article 4(1) of the Agreement. At the request of one of the Parties and where needed within the framework of this Agreement, other meetings of this Joint Scientific Committee may also be convened.

3. The two Parties, on the basis of the conclusions of the annual joint scientific meeting and of the recommendations and resolutions adopted within the International Commission for the Conservation of Atlantic Tunas (ICCAT), the Fishery Committee for the Eastern Central Atlantic (CECAF) or any other regional or international organisation in this area of which the two Parties are members or in which they are represented, shall consult each other within the Joint Committee provided for in Article 10 of the Agreement and adopt, where appropriate and by mutual agreement, measures to ensure the sustainable management of fisheries resources.

Article 5
Review of fishing opportunities

1. The fishing opportunities referred to in Article 1 may be increased by mutual agreement provided that the conclusions of the annual joint scientific meeting referred to in Article 4(2) of the Agreement confirm that such an increase will not endanger the sustainable management of Guinea-Bissau resources. In this case the financial contribution referred to in Article 2(1) shall be increased proportionately and pro rata temporis. However, the total amount of the financial contribution paid by the European Community shall not be more than twice the amount indicated in Article 2(1).

2. Conversely, if the Parties agree to adopt measures as referred to in Article 4(2) of the Agreement resulting in a reduction in the fishing opportunities provided for in Article 1, the financial contribution shall be reduced proportionately and pro rata temporis. Without prejudice to Article 8 of this Protocol, this financial contribution could be suspended by the Community if it is not possible to use the fishing opportunities provided for in this Protocol.

3. The allocation of the fishing opportunities among different categories of vessels may also be reviewed by mutual agreement between the Parties, provided that any changes comply with any recommendations made by the annual joint scientific meeting regarding the management of stocks liable to be affected by such redistribution. The Parties shall agree on the corresponding adjustment of the financial contribution where the redistribution of fishing opportunities so warrants.

4. The adjustments of fishing opportunities provided for in paragraphs 1, 2 and 3 shall be decided by mutual agreement between the two Parties in the Joint Committee provided for in Article 10 of the Agreement.

Article 6
New and exploratory fishing opportunities

1. Should Community vessels be interested in fishing activities which are not indicated in Article 1 of this Protocol, the Community shall consult Guinea-Bissau in order to seek authorisation for these new activities. Where appropriate, the Parties shall agree on the conditions applicable to these new fishing opportunities and, if necessary, make amendments to this Protocol and to the Annex hereto.

2. The Parties may carry out exploratory fishing trips in Guinea-Bissau fishing zones, subject to an opinion by the joint scientific committee provided for in Article 4 of the Agreement. To this end, they shall hold consultations whenever one of the Parties so requests and determine, on a case-by-case basis, relevant new resources, conditions and other parameters.

3. Exploratory fishing authorisations shall be granted for testing purposes for a period of no more than six months.

4. Where the Parties conclude that the exploratory fishing trips have produced positive results, while preserving ecosystems and conserving living marine resources, new fishing opportunities may be awarded to Community vessels following the consultation procedure provided for in Article 5 of this Protocol and until the expiry of the Protocol and in accordance with the allowable effort. The financial contribution shall be increased in accordance with Article 5 of this Protocol.

5. Catches made during exploratory fishing shall be the property of the shipowner. Catches of species of a non-regulatory size and species which may not be fished, kept on-board or sold under Guinea-Bissau law shall be prohibited.

Article 7
Suspension and review of the financial contribution in the event of unusual circumstances

1. Where unusual circumstances, other than natural phenomena, prevent fishing activities in the Guinea-Bissau exclusive economic zone (EEZ), the European Community may suspend payment of the financial contribution and the specific contribution provided for in Article 2(1) of this Protocol. The suspension decision shall be taken following consultations between the two Parties within a period of two months following the request of one of the Parties, and provided that the Community has paid in full any amounts due at the time of suspension.

2. Payment of the financial contribution and of the specific contribution referred to in Article 2 of this Protocol shall resume as soon as the Parties find, by mutual agreement following consultations, that the circumstances preventing fishing activities are no longer present and/or that the situation allows a resumption of fishing activities.

3. Where the validity of the licences granted to Community vessels is suspended along with the payment of the financial contribution, it shall be extended by a period equal to the period during which fishing activities were suspended.

Article 8
Contribution of the Fisheries Partnership Agreement to the implementation of Guinea-Bissau's sectoral fisheries policy

1. A share of 35% of the financial contribution referred to in Article 2(1) of this Protocol (i.e. EUR 2 450 000) shall be put towards defining and implementing a sectoral fisheries policy in Guinea-Bissau with a view to introducing sustainable and responsible fishing in its waters.

2. Guinea-Bissau shall be responsible for the management of the corresponding amount, based on the identification by the two Parties, by mutual agreement, of the objective to be achieved and the annual and multiannual programming to attain them, in particular as regards the sound management of fisheries resources, strengthening scientific research and the monitoring capacity of the competent Guinea-Bissau authorities, and improving conditions for fishery products.

3. Without prejudice to the objectives identified by the two Parties and in accordance with the priorities of the Strategy of sustainable development of Guinea-Bissau's fisheries sector and with a view to ensuring sustainable and responsible management of the sector, the two Parties agree to focus on the following areas of assistance: monitoring, control and surveillance of fishing activities, scientific research and management and development of fisheries.

Article 9
Methods of implementing the support for Guinea-Bissau's sectoral fisheries policy
1. Without prejudice to Article 8(3) of this Protocol, the European Community and the Ministry shall agree, within the Joint Committee provided for in Article 10 of the Agreement, and from the entry into force of the Protocol, on:

(a) the annual and multiannual guidelines steering the implementation of the priorities of Guinea-Bissau fisheries policy aiming to introduce responsible fishing, and in particular those referred to in Article 8(3) of this Protocol;

(b) the annual and multiannual objectives to be achieved and the criteria and indicators to be used to permit an evaluation of the results obtained, on an annual basis. Annex IV hereto provides a basic outline of the objectives and performance indicators to be taken into account within the framework of the Protocol.

2. Any amendment of these guidelines, objectives, criteria and evaluation indicators shall be approved by the two Parties within the Joint Committee.

3. For the first year, the allocation by Guinea-Bissau of the financial support referred to in Article 8(1) of this Protocol shall be communicated to the European Community when the guidelines, objectives, criteria and evaluation indicators are approved within the Joint Committee.

4. Each year, the Ministry shall communicate this allocation to the European Community no later than four months after the entry into force of this Protocol in the first year and no later than 15 June in the following years.

5. The annual report on the implementation of the measures programmed and financed, the results obtained and any difficulties encountered shall be submitted to the Joint Committee provided for in Article 10 of the Agreement for approval.

6. However, the European Community reserves the right to adapt or suspend payment of the amount fixed in Article 8(1) of this Protocol, where the annual evaluation of the actual results achieved in terms of implementing the fisheries policy at that point so warrants, and following consultations within the Joint Committee.

**Article 10**

**Economic integration of Community operators in the Guinea-Bissau fisheries sector**

1. The Parties undertake to promote the economic integration of Community operators into the fishing industry in Guinea-Bissau as a whole.

2. The Parties undertake to promote the setting up of joint ventures between Community operators and Guinea-Bissau operators with a view to the joint exploitation of fishery resources in the Guinea-Bissau exclusive economic zone (EEZ).

3. ‘Joint ventures’ means any association set up on the basis of a contractual agreement of limited duration between Community shipowners and physical or legal persons in Guinea-Bissau for the purpose of jointly fishing for and exploiting Guinea-Bissau fishing quotas using one or more vessels flying the flag of a Member State of the European Community and sharing the cost, profits or losses of the economic activity jointly undertaken.

4. Guinea-Bissau shall award the authorisation required to allow joint ventures set up for the exploitation of fishery resources to operate in its fishing zones.

5. Community vessels which have decided to set up joint ventures under the Protocol in force for the fishing categories referred to in Article 1(1)(a) and (b) of this Protocol will be exempt from the payment of licence fees. Moreover, from the third year of application of the Protocol, Guinea-Bissau shall make financial support available for setting up such joint ventures. The total amount of such support shall not exceed 20% of the total amount of fees paid by shipowners under this Protocol.

6. The Joint Committee shall decide the financial and technical provisions allowing for the implementation of this financial support and the promotion of joint ventures within the framework of this Protocol.

**Article 11**

**Disputes — suspension of application of the Protocol**

1. Any dispute between the Parties over the interpretation of this Protocol and its Annexes or application shall be the subject of consultations between the Parties within the Joint Committee, in a special meeting if necessary.

2. Application of the Protocol may be suspended at the initiative of one of the Parties if the dispute between the two Parties is deemed to be serious and if the consultations held within the Joint Committee under the above paragraph 1 have not resulted in an amicable settlement.

3. Suspension of application of this Protocol shall require the interested Party to notify its intention in writing at least three months before the date on which suspension is due to take effect.

4. In the event of suspension, the Parties shall continue to consult with a view to finding an amicable settlement to their dispute. As soon as an amicable settlement is reached, application of the Protocol shall resume and the amount of the financial contribution shall be reduced proportionately and **pro rata temporis** according to the period during which application of the Protocol was suspended.

**Article 12**

**Suspension of application of the Protocol for failure to implement Guinea-Bissau’s undertakings on responsible and sustainable fishing**

Subject to Article 4 of this Protocol, if Guinea-Bissau fails to honour its undertaking to work towards responsible and sustainable fishing, in particular by complying with annual fisheries management plans drawn up by the Government of Guinea-Bissau, application of this Protocol may be suspended in accordance with Article 11(3) and (4).

For the first year of application of the Protocol, the fisheries management plan shall be as set out in Annex III to this Protocol. The Parties shall abide by the updated fisheries plan in each subsequent year within the framework of the Joint Committee provided for in Article 10 of the Agreement.

**Article 13**

**Suspension of application of this Protocol on grounds of non-payment**

Subject to Article 4 of this Protocol, if the European Community fails to make the payments provided for in Article 2, application of this Protocol may be suspended on the following terms:

(a) the competent Guinea-Bissau authorities shall notify the European Commission of the non-payment. The Commission shall carry out the necessary checks and, where necessary, transmit the payment within no more than 30 working days of the date of receipt of the notification;

(b) if no payment is made and non-payment is not adequately justified within the period provided for in paragraph (a) above, the competent Guinea-Bissau authorities shall be entitled to suspend application of this Protocol. They shall inform the European Commission of such action forthwith.

Application of this Protocol shall resume as soon as the payments concerned have been made.
Article 14

Repeal

This Protocol and its Annexes repeal and replace the current fisheries Protocol between the European Economic Community and Guinea-Bissau on fishing off the coast of Guinea-Bissau.

Article 15

Entry into force

1. This Protocol with its Annexes shall enter into force on the date on which the Parties notify each other of the completion of the procedures necessary for that purpose.

2. They shall apply with effect from 16 June 2007.

ANNEX I

CONDITIONS GOVERNING FISHING ACTIVITIES BY COMMUNITY VESSELS IN THE GUINEA-BISSAU FISHING ZONE

CHAPTER I

Application for and issue of licences

SECTION 1

General provisions applicable to all vessels

1. Only eligible vessels may obtain a licence to fish in the Guinea-Bissau fishing zone.

2. For a vessel to be eligible, neither the owner, the master nor the vessel itself must be prohibited from fishing in Guinea-Bissau. They must be in order vis-à-vis the Guinea-Bissau authorities insofar as they must have fulfilled all prior obligations arising from their fishing activities in Guinea-Bissau under fisheries agreements concluded with the Community.

3. Any Community vessel applying for a fishing licence may be represented by an agent resident in Guinea-Bissau. The name and address of that representative shall be stated in the licence application.

4. The relevant Community authorities shall present to the Ministry, via the Delegation of the European Commission to Guinea-Bissau, an application for each vessel wishing to fish under the Agreement at least 20 days before the date of commencement of the period of validity requested.

5. Applications shall be made to the Ministry on the forms provided for that purpose by the Government of Guinea-Bissau, a specimen of which is attached (Appendix 1). The Guinea-Bissau authorities shall take all the necessary steps to ensure that the data received as part of the licence application is treated as confidential. This data will be used exclusively in the context of the implementation of the Fisheries Agreement.

6. All licence applications shall be accompanied by the following documents:

   — proof of payment of the fee for the period of validity of the licence and of the amount provided for in Chapter VII, point 13,

   — any other documents or certificates required under the specific rules applicable to the type of vessel concerned pursuant to this Protocol.

7. The fee shall be paid into the account specified by the Guinea-Bissau authorities.

8. The fees shall include all national and local charges with the exception of port taxes and service charges.

9. Licences for all vessels shall be issued to shipowners or their representatives via the Delegation of the European Commission to Guinea-Bissau within 20 working days of receipt of all the documents referred to in point 6 above by the Ministry.

10. If a licence is signed at a time when the offices of the Delegation of the European Commission are closed, it shall be sent direct to the vessel’s agent and a copy shall be sent to the Delegation.

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

12. However, at the request of the European Community and where force majeure is proven, a vessel’s licence shall be replaced by a new licence for another vessel with similar characteristics to those of the first vessel, with no further fee due. However, if the gross registered tonnage (GRT) of the replacement vessel is above that of the vessel to be replaced, the difference in fee shall be paid pro rata tempore.

13. The owner of the first vessel, or his or her representative, shall return the cancelled licence to the Ministry via the Delegation of the European Commission.

14. The new licence shall take effect on the day that the vessel’s owner returns the cancelled licence to the Ministry. The Delegation of the European Commission to Guinea-Bissau shall be informed of the licence transfer.

15. The licence must be kept on board at all times, without prejudice to point 1 of Section 2 of Chapter I of this Annex.

16. The two Parties shall seek agreement for the purposes of promoting the introduction of a licence system based exclusively on the electronic exchange of all the information and documents described above. The two Parties shall seek agreement for the purposes of promoting the rapid replacement of the paper licence by an electronic equivalent such as the list of vessels authorised to fish in Guinea-Bissau’s fishing zone.

17. The Parties, acting in the Joint Committee, undertake to replace all references to GRT with GT and to adopt all the provisions affected thereby accordingly. This replacement shall be preceded by appropriate technical consultations between the Parties.

SECTION 2

Special provisions applicable to tuna vessels and surface longliners

1. The licence must be held on board at all times. The European Community shall keep an up-to-date draft list of the vessels for which a fishing licence has been applied for under this Protocol. This draft shall be notified to the Guinea-Bissau authorities as soon as it is drawn up, and then each time it is updated. On receipt of this draft list and of notification of payment of the advance sent to the Guinea-Bissau authorities by the Commission, the vessel shall be entered by the competent Guinea-Bissau authority on a list of vessels authorised to fish, which shall be notified to the authorities responsible for fisheries inspection and to the Delegation of the European Commission to Guinea-Bissau. A certified copy of this list shall then be sent by the Delegation of the European Commission to the shipowner to be kept on board instead of the fishing licence until the licence has been issued by the competent Guinea-Bissau authority.

2. Licences shall be valid for a period of one year. They shall be renewable.
3. Fees shall be calculated for each vessel on the basis of the annual rates laid down in the datasheets attached to the Protocol. In the case of three-month and six-month licences, the fees shall be calculated pro rata temporis, plus 3% and 2% respectively to cover recurrent costs in drawing up the licences.

4. Licences shall be issued once the fixed amounts under the corresponding datasheets have been paid to the competent national authorities.

5. The final statement of the fees due for the current year shall be drawn up by the European Commission by 15 June of the following year at the latest on the basis of the catch declarations made by each shipowner and confirmed by the scientific institutes responsible for verifying catch data in the Member States, such as the Institut de Recherche pour le Développement (IRD), the Instituto Español de Oceanografía (IEO) and the Instituto Português de Investigação Marítima (IPIMAR) via the Delegation of the European Commission.

6. The statement shall be sent simultaneously to the Ministry and to the shipowners.

7. Any additional payments shall be made by the shipowners to the competent Guinea-Bissau national authorities by 31 July of the year in which the final statement of fees is drawn up at the latest, into the account referred to in point 7 of Section 1 of this Chapter.

8. However, if the amount of the final statement is lower than the advance fixed in point 3 of this Section, the resulting balance shall not be reimbursable to the shipowner.

SECTION 3

Special provisions for trawlers

1. In addition to the documents referred to in point 6 of Section 1 of this Chapter, all licence applications for vessels covered by this Section must be accompanied by:

   — a certified copy of the document drawn up by the Member State certifying the vessel's tonnage in GRT, and;
   — a certificate of conformity issued by the Ministry following the technical inspection of the vessel in accordance with point 3.2 of Chapter VIII.

2. Should a licence application be made in respect of a vessel which has already had a licence under this Protocol and the technical characteristics of which remain unchanged, this application shall be presented to the Ministry via the Delegation of the European Commission in Bissau, accompanied only by the proof of payment of the fee for the periods in question and of the amount provided for in point 13 of Chapter VII. The Ministry shall authorise the new licence, entering details of the first licence application submitted under the Protocol in force.

3. The following twelve-month periods shall be used for determining the validity of the licences:

   — first period: from 16 June 2007 to 31 December 2007,
   — second period: from 1 January 2008 to 31 December 2008,
   — third period: from 1 January 2009 to 31 December 2009,
   — fourth period: from 1 January 2010 to 31 December 2010,
   — fifth period: from 1 January 2011 to 15 June 2011.

4. Licences may not start running during one annual period and expire during the next.

5. A quarter shall consist of one of the three-month periods beginning 1 January, 1 April, 1 July or 1 October, except for the first and last period of the Protocol which shall run from 16 June 2007 to 30 September 2007 and from 1 April 2011 to 15 June 2011 respectively.

6. Licences shall be valid for one year, six months or three months. They shall be renewable.

7. Licences must be kept on board at all times.

8. Fees shall be calculated for each vessel on the basis of the annual rates laid down in the datasheets attached to the Protocol. In the case of three-month and six-month licences, the fees shall be calculated pro rata temporis, plus 3% and 2% respectively to cover recurrent costs in drawing up the licences.

CHAPTER II

Fishing zones

Community vessels as referred to in Article 1 of the Protocol shall be authorised to fish in waters beyond 12 nautical miles from the base lines.

CHAPTER III

Catch reporting arrangements for vessels authorised to fish in guinea-bissau waters

1. For the purposes of this Annex, the duration of a trip by a Community vessel shall be defined as follows:

   — the period elapsing between entering and leaving Guinea-Bissau's fishing zone, or,
   — the period elapsing between entering the Guinea-Bissau fishing zone and a transhipment, or,
   — the period elapsing between entering the Guinea-Bissau fishing zone and a landing in Guinea-Bissau.

All vessels authorised to fish in Guinea-Bissau waters under the Agreement shall be obliged to communicate their catches to the Ministry in the following manner:

2.1. Declarations shall include the catches made by the vessel during each trip. They shall be sent to the Ministry by fax, mail or e-mail, with a copy sent to the European Commission, via the Delegation of the European Commission to Guinea-Bissau, at the end of each trip, and, in any case, before the vessel leaves Guinea-Bissau waters. If this notification is sent by e-mail, electronic receipts shall be sent at once to the vessel by both addresses, with a copy to each other. In the case of tuna vessels, these declarations shall be sent at the end of each marketing year.

2.2. The original of the declarations sent by fax or by e-mail during an annual period of validity of the licence within the meaning of point 2 of Section 2 of Chapter I in the case of tuna vessels, and point 3 of Section 3 of Chapter I in the case of trawlers shall be sent on a physical medium to the Ministry within 45 days following the end of the last trip made during the period. Hard copies shall be sent to the Delegation of the European Commission to Guinea-Bissau.

2.3. Tuna vessels and surface longliners shall declare their catches on the corresponding form in the logbook, in accordance with the specimen in Appendix 2. The words 'Outside the Guinea-Bissau EEZ' shall be entered in the logbook in respect of periods during which the vessel is not in Guinea-Bissau waters.

2.4. Trawlers shall declare their catches on a form drawn up in accordance with the specimen in Appendix 3, stating the total catches by species and calendar month or part thereof.

2.5. The forms shall be filled in legibly and signed by the master of the ship.
3. Where the provisions set out in this Chapter are not complied with, the Government of Guinea-Bissau reserves the right to suspend the licence of the offending vessel until the formalities have been completed and to apply the penalty laid down in current Guinea-Bissau legislation and, in the event of a recurrence, not to renew the licence. The European Commission shall be informed thereof.

The two Parties shall seek agreement for the purposes of establishing a system of electronic exchange of this information.

CHAPTER IV

By-catches

The level of by-catches for each of the fisheries covered by the Protocol shall be fixed in accordance with Guinea-Bissau legislation and specified in the data sheets for each category.

CHAPTER V

Embarking seamen

Shipowners who have been issued fishing licences under the Agreement shall contribute to the practical vocational training of Guinea-Bissau nationals and to an improvement of the labour market, subject to the conditions and limits set out below.

1. Each trawler owner shall undertake to employ:
   — three fishermen on vessels of less than 250 GRT,
   — four fishermen on vessels of 250 to 400 GRT,
   — five fishermen on vessels of 400 to 650 GRT,
   — six fishermen on vessels of more than 650 GRT.

2. Shipowners shall endeavour to take on board additional Guinea-Bissau seamen.

3. Shipowners shall be free to select through their representatives the seamen they take on board their vessels.

4. The shipowner or agent shall inform the Ministry of the names of the Guinea-Bissau seamen signed on the vessel concerned, mentioning their position in the crew.

5. The International Labour Organisation (ILO) Declaration on Fundamental Principles and Rights at Work shall apply as of right to seamen signed on by EU vessels. This concerns in particular the freedom of association and the effective recognition of the right to collective bargaining, and the elimination of discrimination in respect of employment and occupation.

6. The employment contracts of Guinea-Bissau seamen, a copy of which shall be given to the signatories, shall be drawn up between the shipowners’ representative(s) and the seamen and/or their trade unions or representatives in consultation with the Ministry. These contracts shall guarantee the seamen the social security cover applicable to them, including life assurance and sickness and accident insurance.

7. The wages of the Guinea-Bissau seamen shall be paid by the shipowners. They shall be fixed, before licences are issued, by mutual agreement between the shipowners or their agents and the competent authorities of Guinea-Bissau. However, the wage conditions granted to Guinea-Bissau seamen shall not be lower than those applied to crews from Guinea-Bissau and shall under no circumstances be below ILO standards.

8. All seamen employed aboard Community vessels shall report to the master of the vessel designated on the day before their proposed embarkation date. Where a seaman fails to report at the date and time agreed for embarkation, shipowners shall be automatically absolved of their obligation to take the seaman on board.

9. Where no Guinea-Bissau seamen are taken on board for reasons other than that referred to in the previous point, shipowners shall be obliged to pay as soon as possible a flat-rate amount for the fishing year equivalent to the wages of the seamen not taken on board.

10. This sum shall be paid into a specific account designated in advance by the competent Guinea-Bissau authorities and shall help fund public vocational training structures in the fisheries sector.

CHAPTER VI

Technical measures

1. Vessels fishing for highly migratory species shall comply with the measures and recommendations adopted by the ICCAT regarding fishing gear and the technical specifications thereof and all other technical measures applicable to their fishing activities.

2. For trawlers, specific measures are set out in each of the corresponding data sheets.

3. Guinea-Bissau shall apply the closure of fisheries or of a fishery for biological recovery in non-discriminatory fashion to all vessels taking part in those fisheries, whether national, Community or flying the flag of a third country.

4. Based on an impact analysis, if it proves necessary, the two Parties shall agree within the Joint Committee on any corrective measures relating to biological recovery to be applied.

5. In the event that Guinea-Bissau is required to take emergency measures entailing the closure of a fishery outside the period(s) referred to in point 3 above, or to extend the duration of closure beyond the period provided for, the Joint Committee shall be convened to assess the impact of applying such measures to Community vessels.

6. Where application of points 4 and 5 above entails an increase in the period(s) of closure of fisheries, the two Parties shall hold consultations within the Joint Committee in order to adjust the financial contribution to take account of the reduced fishing opportunities for the Community resulting from such measures.

CHAPTER VII

Observers on board trawlers

Vessels authorized to fish in Guinea-Bissau waters under the Agreement shall take on board observers appointed by Guinea-Bissau on the terms set out below.

1. Each trawler shall take on board an observer appointed by the Ministry responsible for fisheries. In such cases, the port of embarkation shall be determined by common agreement between the Ministry responsible for fisheries and the shipowners or their representatives.

2. The Ministry shall draw up a list of vessels designated to take an observer on board and a list of the appointed observers. These lists shall be kept up to date. They shall be forwarded to the European Commission as soon as they have been drawn up and every three months thereafter where they have
been updated.

1.3. The Ministry shall inform the shipowners concerned, or their representatives, of the name of the observer appointed to be taken on board their vessel at the time the licence is issued.

2. The time spent on board by observers shall be fixed by the Ministry, but, as a general rule, it shall not exceed the time required to carry out their duties. The Ministry shall inform the shipowners or their agents thereof when notifying them of the name of the observer appointed to be taken on board the vessel concerned.

3. The conditions under which observers are taken on board shall be agreed between shipowners or their representatives and the Guinean-Bissau authorities.

4. Observers shall be taken on board at the beginning of the first trip in the port of Guinea-Bissau and, if the licence is renewed, at a port chosen by the shipowner.

5. Within two weeks and giving ten days' notice, the shipowners concerned shall make known at which ports and on what dates they intend to take observers on board.

6. Where observers are taken on board in a foreign country, their travel costs shall be borne by the shipowner. Should a vessel with a Guinean-Bissau observer on board leave the Guinean-Bissau fishing zone, all measures must be taken to ensure the observer's return as soon as possible at the expense of the shipowner.

7. If the observer is not present at the time and place agreed or within the twelve hours following the time agreed, shipowners shall be automatically absolved of their obligation to take the observer on board.

Observers shall be treated as officers. Where vessels are operating in Guinean-Bissau waters, they shall carry out the following tasks:

8.1. observe the fishing activities of the vessels;
8.2. verify the position of vessels engaged in fishing operations;
8.3. perform biological sampling in the context of scientific programmes;
8.4. note the fishing gear used;
8.5. verify the catch data for Guinean-Bissau waters recorded in the logbook;
8.6. verify the percentages of by-catches and estimate the discarded catch;
8.7. report fishing data at least once a week by radio, including the quantity of catches and by-catches on board.

9. Masters shall do everything in their power to ensure the physical safety and welfare of observers during performance of their duties.

10. Observers shall be offered every facility needed to carry out their duties. The master shall give them access to the means of communication needed for the discharge of their duties, to documents directly concerned with the vessel's fishing activities, including in particular the logbook and the navigation log, and to those parts of the vessel necessary to facilitate the exercise of their tasks as observer.

While on board, observers shall:

11.1. take all appropriate steps to ensure that the conditions of their boarding and presence on the vessel neither interrupt nor hamper fishing operations,
11.2. respect the material and equipment on board and the confidentiality of all documents belonging to the vessel,
11.3. draft an activity report to be transmitted to the competent Guinean-Bissau authorities. Those authorities shall send a copy of the report, after processing and within one week, to the Delegation of the European Commission in Bissau.
12. At the end of the observation period and before leaving the vessel, observers shall draw up an activity report to be transmitted to the competent Guinean-Bissau authorities, with a copy to the European Commission. They shall send it in the presence of the master, who may add or cause to be added to it in annex any observations considered relevant, followed by master's signature. A copy of the report shall be handed to the master when the observer is put ashore.
13. Shipowners shall bear the cost of accommodating observers in the same conditions as the officers on the vessel, within the confines of the structure of the vessel.

As a contribution to the costs arising from the presence of the observer on board, together with the licence fee the shipowner shall pay the Guinean-Bissau authorities the sum of EUR 12 per GRT per year pro rata temporis for each vessel fishing in Guinean-Bissau waters.

14. The salary and social contributions of the observer shall be borne by the Ministry.

CHAPTER VIII

Observers on board tuna vessels

The two Parties shall consult each other and, interested countries, as soon as possible as regards the definition of a system of regional observers and the choice of the competent regional fisheries organisation.

CHAPTER IX

Monitoring

1. In accordance with point 1 of Section 2 of Chapter I, the European Community shall keep an up-to-date list of the vessels to which a fishing licence has been issued under this Protocol. This list shall be notified to the Guinean-Bissau authorities responsible for fisheries inspection as soon as it is drawn up and each time it is updated.

2. Vessels fishing for highly migratory species shall be included on the list referred to in the previous point upon receipt of notification of the advance payment referred to in point 3 of Section 2 of Chapter I. A certified copy of the list of tuna vessels shall then be sent to the shipowner to be kept on board instead of the fishing licence until the licence has been issued by the competent Guinean-Bissau authority.

3. Technical inspection of trawlers

3.1. Once a year and after any alteration in tonnage or changes to the fishing category necessitating the use of a different type of gear, Community trawlers shall report to the port of Guinea-Bissau to undergo the inspections required by the legislation in force. Such inspections shall take place within 48 hours of the vessel's arrival in port.
3.2. Once the inspection has been completed satisfactorily, the master of the vessel shall be issued with a certificate having the same period of validity as the licence and which shall be automatically extended in the case of vessels renewing their licence within the year. However, the maximum validity may
not exceed one year. This certificate must be kept on board at all times.

3.3. The technical inspection shall verify that the vessel's technical characteristics and gear conform to the provisions of the Agreement and that the provisions relating to its crew have been complied with.

3.4. The cost of the inspection shall be borne by the shipowner at the rates laid down by Guinea-Bissau law. It may not be greater than the amount normally paid by other vessels for the same services.

3.5. Failure by the shipowner to comply with points 3.1 and 3.2 above shall result in automatic suspension of the fishing licence until such obligations have been met.

4. Entering and leaving the zone:

Community vessels fishing under the Agreement in Guinea-Bissau's fishing zone shall report the date and time and their position to the radio station of the Ministry responsible for fisheries on entering and leaving Guinea-Bissau's fishing zone.

When licences are issued, the Ministry responsible for fisheries shall inform the shipowners of the call sign, frequency and working hours of the station.

Where they cannot communicate information by radio, vessels may use alternative means, such as telex, telegram or fax (numbers 20.11.57, 20.19.57 and 20.69.50).

4.1. Community vessels shall notify the Department at least 24 hours in advance of their intention to enter or leave the Guinea-Bissau fishing zones. For tuna vessels this deadline shall be reduced to 6 hours.

4.2. When notifying leaving, vessels shall also communicate their position and the volume and species in catches on board. This information should preferably be communicated by fax or, for vessels not equipped with a fax, by radio or by e-mail.

4.3. A vessel found to be fishing without having informed the Ministry shall be regarded as a vessel without a licence.

4.4. Vessels shall also be informed of the fax and telephone numbers and e-mail address when the fishing licence is issued.

5. Control procedures

5.1. Masters of Community fishing vessels engaged in fishing activities in Guinea-Bissau waters shall allow and facilitate boarding and the discharge of their duties by any Guinea-Bissau official responsible for the inspection and control of fishing activities.

5.2. These officials shall not remain on board for longer than is necessary for the discharge of their duties.

5.3. Once the inspection has been completed, a certificate shall be issued to the master of the vessel.

6. Boarding

6.1. The Ministry shall inform the European Commission via its Delegation to Guinea-Bissau, within no more than 48 hours, of all boardings of and penalties imposed on Community vessels in Guinea-Bissau waters.

6.2. The European Commission shall at the same time receive a brief report of the circumstances and reasons leading to the boarding.

7. Statement of boarding

7.1. After the competent coastal State authority has drawn up a statement, the master of the vessel shall sign it.

7.2. This signature shall not prejudice the rights of the master or any defence which he or she may make to the alleged infringement.

7.3. In accordance with the applicable law, the master may be required to take the vessel to the port indicated by the competent authorities.

8. Information meeting in the event of boarding

8.1. 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, an information meeting shall be held at the request of the Community, within one working day of the receipt of the above information, between the European Commission and the Ministry, possibly attended by a representative of the Member State concerned.

8.2. 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 or her representative shall be informed of the outcome of the meeting and of any measures resulting from the boarding.

9. Settlement of boarding

9.1. 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 four working days after the boarding.

9.2. In the event of an amicable settlement, the amount of the fine shall be determined in accordance with Guinea-Bissau legislation.

9.3. If the case cannot be settled by amicable procedure and has to be brought before a competent judicial body, a bank security set to take account of the boarding costs and the fines and compensation payable by the Parties responsible for the infringement shall be lodged by the shipowner with a bank specified by the Ministry.

9.4. The bank security shall be irrevocable until the legal proceedings have been concluded. It shall be released once legal proceedings end without a conviction. Similarly, in the event of a conviction leading to a fine of less than the security lodged, the balance shall be released by the Ministry.

9.5. The vessel shall be released and its crew authorised to leave the port:

— once the obligations arising under the amicable settlement have been fulfilled, or,
— when the bank security referred to in point 9.3 has been lodged and accepted by the Ministry, pending completion of the legal proceedings.

10. Compliance with the rules

All information on infringements committed by Community vessels shall be communicated to the Commission on a regular basis, via the Delegation.

11. Transhipment

11.1. All Community vessels wishing to tranship catches in Guinea-Bissau waters shall do so within Guinea-Bissau ports.

11.2. The owners of such vessels must notify the following information to the Ministry at least 24 hours in advance:

— the names of the transhipping fishing vessels,
— the names of the cargo vessels,
— the tonnage by species to be transhipped,
— the day of transhipment.

11.3. Transhipment shall be considered as an exit from the Guinea-Bissau fishing zone. Vessels must therefore submit their catch declarations to the competent authorities and state whether they intend to continue fishing or leave the Guinea-Bissau fishing zone.

11.4. Any transhipment of catches not covered above shall be prohibited in Guinea-Bissau’s fishing zone. Any person infringing this provision shall be liable to the penalties provided for by Guinea-Bissau law.

12. Masters of Community fishing vessels engaged in landing or transhipment operations in a Guinea-Bissau port shall allow and facilitate the inspection of such operations by Guinea-Bissau inspectors. Once the inspection has been completed in the port, a certificate shall be issued to the master of the vessel.

CHAPTER X
Satellite monitoring of fishing vessels
The two Parties shall agree within the Joint Committee on the arrangements for satellite-monitoring of Community fishing vessels fishing under this Agreement where the technical conditions are met.

Appendices
1. Application form for a fishing licence
2. Statistics on catch and fishing effort
3. Tuna vessels fishing logbook

APPENDIX 1
APPLICATION FORM FOR A FISHING LICENCE

<table>
<thead>
<tr>
<th>Nationality:</th>
<th></th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Licence No.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Date of signing:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Date of issue:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

APPLICANT
Company name:
Trade register No.:
First name and surname of applicant:
Date and place of birth:
Occupation:
Address:

Number of employees:
Name and address of agent:

VEssel
Type of vessel:
New name:
Former name:
Date and place of construction:
Original nationality:
Length:
Beam:
Depth:
Gross tonnage:
Net tonnage:
Type of building material:
Make of main engine:
Engine power:
Propulsion:
Fixed:
Variable:
Ducted:

Speed:
Call sign:
Frequency:

List of sounding, navigation and transmission instruments:
Radar:
Sonar:
Satellite navigation:

VHF:
BLU:
Other:

Number of crew:

<table>
<thead>
<tr>
<th>For official use only</th>
<th>Remarks</th>
</tr>
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<tbody>
<tr>
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</tbody>
</table>
CONSERVATION

Ice:
☐ ice and refrigeration;

Freezing:
☐ in brine;
☐ dry;
☐ in refrigerated sea water.

Total refrigeration power:

Freezing capacity in tonnes/24 hours:

Hold capacity:

TYPE OF FISHING

A. Demersal

Inshore demersal:
☐ Deep-sea demersal:

Type of trawl:
☐ cephalopod;
☐ shrimp;
☐ fin-fish.

Length of trawl:
Length of headline:

Mesh size in codend:

Size of mesh in the wings:

Trawling speed:

B. Deep-sea pelagic (tuna)

Pole and line:
☐ No of poles and lines:

Seine:
☐ Length of net:
☐ Depth of net:

Number of nets:

C. Longline and pots

Longline:
☐ Bait:

Surface:
☐ Below:

Length of line:
Number of hooks:

Number of lines:

Number of pots:

SHORE INSTALLATIONS

Address and permit number:

Company name:

Activity:

Domestic wholesale fish trade:
☐ export:

Type and No of wholesale trader’s card:

Description of processing and conservation plant:

Number of employees:

Note: Indicate affirmative answers by a check in the applicable box.

Technical remarks

Authorisation of the State Ministry

APPENDIX 2
### APPENDIX 3

**TUNA VESSELS FISHING LOGBOOK**

<table>
<thead>
<tr>
<th>Date</th>
<th>Fishing zone</th>
<th>Number of hauls</th>
<th>Number of hours fishing</th>
<th>Species of fish</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

### ANNEX II
DATA SHEET No 1 — FISHING CATEGORY 1:
FREEZER, FIN-FISH AND CEPHALOPOD TRAWLERS

1. Fishing zone
Beyond 12 nautical miles from the base line, including the Guinea-Bissau/Senegal joint management area, extending north to the azimuth 268°.

2. Authorised gear
Standard otter trawls and other selective gear are authorised.
Outriggers are authorised.
In the case of all fishing gear, no methods or devices may be used to obstruct the mesh of the nets or reduce their selective effect. However, in the interests of reducing wear or damage, protective aprons of netting or other material may be attached, but only to the underside of the codend of a bottom trawl. Such aprons must be attached only to the forward and lateral edges of the codend of the trawl. Protective devices may be used for the top of the trawl, but these must consist of a single section of net of the same material as the codend, with the mesh measuring at least 300 millimetres when stretched out.
Doubling of the codend’s netting yarn, whether single or multiple, shall be prohibited.

3. Minimum authorised mesh size
70 mm

4. Biological recovery
In accordance with Guinea-Bissau law.
In the absence of provisions in Guinea-Bissau law, the two Parties shall agree within the Joint Committee and on the basis of the best available scientific advice approved by the joint scientific meeting, on the most appropriate biological recovery period.

5. By-catches
In accordance with Guinea-Bissau law:
Fin-fish trawlers may not hold on board crustaceans or cephalopods accounting, in each case, for more than 9% of their total catch in Guinea-Bissau’s fishing zone at the end of a trip as defined in Chapter III of the Annex to this Protocol.
Cephalopod trawlers may not hold on board crustaceans accounting for more than 9% of their total catch in Guinea-Bissau’s fishing zone at the end of a trip as defined in Chapter III of the Annex to this Protocol.
Where these percentages exceed the authorised by-catches, penalties shall be imposed in accordance with Guinea-Bissau law.
The two Parties shall consult within the Joint Committee to adjust the authorised rate if necessary.

6. Authorised tonnage/fees

<table>
<thead>
<tr>
<th>Authorised tonnage (GRT) per year</th>
<th>4 400</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fees in EUR per GRT per year</td>
<td>EUR 229 per GRT per year</td>
</tr>
</tbody>
</table>
In the case of three-month and six-month licences, the fees shall be calculated pro rata temporis, plus 3% and 2% respectively to cover recurrent costs in drawing up the licences.

7. Comments
The conditions governing fishing activity by Community vessels shall be as laid down in the Annex to the Protocol.

DATASHEET No 2 — FISHING CATEGORY 2:
SHRIMP TRAWLERS

1. Fishing zone
Beyond 12 nautical miles from the base line, including the Guinea-Bissau/Senegal joint management area, extending north to the azimuth 268°.

2. Authorised gear
Standard otter trawls and other selective gear are authorised.
Outriggers are authorised.
In the case of all fishing gear, no methods or devices may be used to obstruct the mesh of the nets or reduce their selective effect. However, in the interests of reducing wear or damage, protective aprons of netting or other material may be attached, but only to the underside of the codend of a bottom trawl. Such aprons must be attached only to the forward and lateral edges of the codend of the trawl. Protective devices may be used for the top of the trawl, but these must consist of a single section of net of the same material as the codend, with the mesh measuring at least 300 millimetres when stretched out.
Doubling of the codend’s netting yarn, whether single or multiple, shall be prohibited.

3. Minimum authorised mesh size
40 mm
Guinea-Bissau undertakes to amend its legislation within 12 months of the entry into force of this Protocol in order to apply a 50 mm mesh size in accordance with existing law in the subregion, which will apply to all fleets fishing for crustaceans in the Guinea-Bissau fishing zone.

4. Biological recovery
In accordance with Guinea-Bissau law.
In the absence of provisions in Guinea-Bissau law, the two Parties shall agree within the Joint Committee and on the basis of the best available scientific advice approved by the joint scientific meeting, on the most appropriate biological recovery period.
5. By-catches
In accordance with Guinea-Bissau law:

Shrimp trawlers may not hold on board cephalopods or fish-fish accounting, in each case, for more than 50% of their total catch in Guinea-Bissau's fishing zone at the end of a trip as defined in Chapter III of the Annex to this Protocol.

Where these percentages exceed the authorised by-catches, penalties shall be imposed in accordance with Guinea-Bissau law.

6. Authorised tonnage/fees

<table>
<thead>
<tr>
<th>Authorised tonnage (GRT) per year</th>
<th>4 400</th>
</tr>
</thead>
<tbody>
<tr>
<td>Feas in EUR per GRT per year</td>
<td>EUR 307 per GRT per year</td>
</tr>
</tbody>
</table>

In the case of three-month and six-month licences, the fees shall be calculated pro rata temporis, plus 3% and 2% respectively to cover recurrent costs in drawing up the licences.

7. Comments
The conditions governing fishing activity by Community vessels shall be as laid down in the Annex to the Protocol.

DATA SHEET No 3 — FISHING CATEGORY 4:

POLE-AND-LINE TUNA VESSELS

1. Fishing zone
Beyond 12 nautical miles from the base line, including the Guinea-Bissau/Senegal joint management area, extending north to the azimuth 268°.

Pole-and-line tuna vessels shall be authorised to fish for live bait with a view to carrying out their fishing activities in Guinea-Bissau's fishing zone.

2. Authorised gear and technical measures

Poles and lines.

Purse seine with live bait: 16 mm

Vessels fishing for highly migratory species shall comply with the measures and recommendations adopted by the International Commission for the Conservation of Atlantic Tunas (ICCAT) regarding fishing gear and the technical specifications thereof and all other technical measures applicable to their fishing activities.

3. By-catches
In accordance with the relevant ICCAT and FAO recommendations, fishing for basking shark (*Cetorhinus maximus*), white shark (*Carcharodon carcharias*), sand tiger shark (*Carcharias taurus*) and tope shark (*Galeorhinus galeus*) is prohibited.

4. Authorised tonnage/fees

<table>
<thead>
<tr>
<th>Fee per tonne caught</th>
<th>EUR 25 per tonne</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual financial contribution</td>
<td>EUR 500 per 20 tonnes</td>
</tr>
<tr>
<td>Number of vessels authorised to fish</td>
<td>14</td>
</tr>
</tbody>
</table>

5. Comments
The conditions governing fishing activity by Community vessels shall be as laid down in the Annex to the Protocol.

DATA SHEET No 4 — FISHING CATEGORY 4:

FREEZER TUNA SEINERS AND LONGLINERS

1. Fishing zone
Beyond 12 nautical miles from the base line, including the Guinea-Bissau/Senegal joint management area, extending north to the azimuth 268°.

2. Authorised gear and technical measures

Seine and surface longline.

Vessels fishing for highly migratory species shall comply with the measures and recommendations adopted by the International Commission for the Conservation of Atlantic Tunas (ICCAT) regarding fishing gear and the technical specifications thereof and all other technical measures applicable to their fishing activities.

3. Minimum authorised mesh size

Recommended ICCAT standards.

4. By-catches

In accordance with the relevant ICCAT and FAO recommendations, fishing for basking shark (*Cetorhinus maximus*), white shark (*Carcharodon carcharias*), sand tiger shark (*Carcharias taurus*) and tope shark (*Galeorhinus galeus*) is prohibited.

5. Authorised tonnage/fees

<table>
<thead>
<tr>
<th>Fee per tonne caught</th>
<th>EUR 35 per tonne</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual financial contribution</td>
<td>EUR 3 150 per 90 tonnes</td>
</tr>
<tr>
<td>Number of vessels authorised to fish</td>
<td>12</td>
</tr>
</tbody>
</table>

6. Comments
The conditions governing fishing activity by Community vessels shall be as laid down in the Annex to the Protocol.
### ANNEX III

#### 2007 management plan — crustaceans and demersal species

<table>
<thead>
<tr>
<th>Species</th>
<th>GRT 2006</th>
<th>GRT 2007</th>
<th>Difference in GRT</th>
<th>Difference in GRT %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crustaceans</td>
<td>11 000</td>
<td>8 000</td>
<td>-3 000</td>
<td>-27%</td>
</tr>
<tr>
<td>Cephalopods</td>
<td>8 000</td>
<td>5 600</td>
<td>-2 400</td>
<td>-30%</td>
</tr>
<tr>
<td>Demersal fish</td>
<td>12 000</td>
<td>18 000</td>
<td>6 000</td>
<td>50 %</td>
</tr>
<tr>
<td>Pelagic fish</td>
<td>20 000</td>
<td>23 000</td>
<td>3 000</td>
<td>15 %</td>
</tr>
<tr>
<td>Tuna</td>
<td>49 000</td>
<td>49 000</td>
<td>0</td>
<td>0 %</td>
</tr>
<tr>
<td>TOTAL</td>
<td>100 000</td>
<td>103 600</td>
<td>3 600</td>
<td></td>
</tr>
</tbody>
</table>

During the period of validity of this Agreement, unless scientific advice is favourable, Guinea-Bissau shall reduce fishing effort in the shrimp and cephalopod categories, while maintaining in 2007 the existing agreement with third countries and the European Community.

However, if the fishing opportunities granted to third countries remain unused on 1 January 2007, these opportunities shall not be mobilised in 2008 and subsequent years.

In these categories, no fishing opportunities shall be granted for chartering.

All agreements with European companies or associations/enterprises shall be definitively revoked and formally terminated within thirty days of the entry into force of this Protocol.

### ANNEX IV

#### Outline of the objectives and performance indicators to be complied with under Articles 3, 8 and 9 of the Protocol

<table>
<thead>
<tr>
<th>Strategic priorities and objectives</th>
<th>Indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Improvement of health and hygiene conditions to develop the fisheries sector</td>
<td>Raising minimum health and hygiene standards applicable to industrial vessels, canoes and fishing enterprises products drawn up/adopted by Parliament and implemented Competent authority in place Centro de Investigação Pesqueira Apliquada (CIPA) brought up to standards (ISO 9000) Laboratory provided to carry out microbiological and chemical analyses Shrimp monitoring and analysis plan (PNVAR 2008) adopted and incorporated into law Number of health inspectors trained Number of health workers and fisheries ministry staff trained in hygiene standards Approval for export to EU obtained</td>
</tr>
<tr>
<td>1.2. Modernisation and upgrading health and hygiene of the industrial fleet and the small-scale fleet</td>
<td>Number of industrial vessels brought up to standards Number of wooden canoes replaced with canoes made of more suitable materials (in absolute terms and as a percentage) Number of canoes equipped with iceboxes Increased number of unloading points Small-scale fishing vessels and coastal fishing vessels brought into compliance with health standards (number in absolute terms and as a percentage)</td>
</tr>
<tr>
<td>1.3. Developing infrastructure, in particular port infrastructure</td>
<td>Refurbishment of Port of Bissau and extension of fishing port Port of Bissau fish market for unloading catches from small-scale and industrial fishing developed and restored to standards Port of Bissau brought up to international standards (ratification of SGLAS Convention) Weeds removed from port</td>
</tr>
<tr>
<td>1.4. Promoting fishery products (health and plant-health conditions of the products landed and processed)</td>
<td>Inspection system for fishery products adapted and operational Actors made aware of health and hygiene rules (number of training courses organized and number of people trained) Analytical laboratory operational Number of sites developed for unloading and processing products from small-scale fishing Promoting technical and commercial partnerships with private operators overseas Eco-labeling system launched for Guinea-Bissau products</td>
</tr>
<tr>
<td>2. Improving monitoring, control and surveillance of the fishing zone</td>
<td>Agreement adopted between the ministry of fisheries and of defence on surveillance and control National monitoring, control and surveillance plan adopted and implemented</td>
</tr>
<tr>
<td>2.2. Strengthening monitoring, control and surveillance</td>
<td>Body of sworn independent inspectors operational (number of people recruited and trained) and corresponding budgetary allocation entered in the finance act Number of days of surveillance at sea: 250 days/year at the end of the period covered by the Protocol Number of inspections in port and at sea Number of aerial inspections Number of statistical bulletins published Radar coverage rate Rate of VMS coverage of the fleet as a whole Training programme adapted to surveillance techniques implemented (number of hours of training, number of technicians trained, etc.)</td>
</tr>
</tbody>
</table>
2.3. Monitoring boarding of vessels

Improving the transparency of the system of boarding, penalties and payments of fines
Rules on payment of fines improved and ban introduced on payment of fines other than financial
Improvement of system for collection of fines
Publication of annual statistics on fines collected
Setting up a blacklist of vessels penalised
Drawing up of and annual publication of statistics on fines
FISCAP annual report published

3. Improving fisheries management

3.1. Managing shrimp and cephalopod fishing effort

Maintaining in 2007 existing agreements with third countries and the European Community.
However, if the fishing opportunities granted to third countries remain unused on 1 January 2007,
these opportunities shall not be mobilised in 2008 and subsequent years
No fishing opportunities shall be granted to chartering
Definitive withdrawal from and formal termination of any agreement with European companies or
associations/enterprises within thirty days of the entry into force of this Protocol

3.2. Modernisation and stepping up of fisheries research

Strengthen CIPA research capacities

3.3. Improving information on fishery resources

Annual trawling carried out
Number of stocks evaluated
Number of research programmes
Number of recommendations issued and followed on the state of the main fisheries resources (in
particular freezes on fishing and conservation measures for overfished stocks)
Evaluation of annual fishing effort for species which are the subject of a development plan
Instrument to manage operational fishing effort (setting up a database, statistical monitoring
instruments, networking the services responsible for fleet management, publication of statistical
bulletins, etc.)

3.4. Controlled development of fisheries

Adoption of annual management plan for industrial fishing before the start of the year concerned
Adoption and implementation of development plan for over-exploited resources
Vessel registry kept in BEZ, including small-scale fishing
Number of development plans drawn up, implemented and evaluated

3.5. Improving the effectiveness of the technical services of the
Ministry of Fisheries and the Marine Economy and the
services involved in managing the sector

Administrative capacities strengthened
Training and retraining programme drawn up and applied (number of agents trained, number of
hours of training, etc.)
Mechanisms for coordination, consultation and cooperation with partners strengthened
System of data collection and statistical monitoring of fisheries strengthened

3.6. Developing the system for managing licences and
monitoring vessels

Number of hours of training for technicians
Number of technicians trained
Networking of services and statistics
ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION OF THE EU/MAURITANIA JOINT COMMITTEE

of 5 November 2013

on the implementing measures for the Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Union and the Islamic Republic of Mauritania, (2014/34/EU)

THE EU/MAURITANIA JOINT COMMITTEE,

Having regard to the Fisheries Partnership Agreement between the European Community and the Islamic Republic of Mauritania (the “Fisheries Partnership Agreement”), and in particular Article 10(2) thereof,

Having regard to the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Islamic Republic of Mauritania for a period of two years (i) (the “Protocol”), and in particular Article 4 thereof,

Whereas:

(1) The EU/Mauritania Joint Committee provided for in Article 10 of the Fisheries Partnership Agreement met in Nicosia on 17 and 18 September 2013 to adopt implementing measures entailing a review of some of the measures necessary for the application of the Protocol.

(2) These measures were recorded in the minutes of the Joint Committee.

(3) The measures entered in the minutes must be translated into a decision of the Joint Committee.

(4) These measures must be applied retroactively from 22 September 2013 so that their effects can benefit the parties as soon as possible, in accordance with Circular No 177/13/MEPM/GOM of 22 September 2013 issued by Mauritania’s Ministry of Fisheries and Maritime Economy.

(5) The aforementioned measures should therefore be approved.

HAS ADOPTED THIS DECISION.

Article 1

The technical conditions for category 1 — Vessels fishing for crustaceans other than spiny lobster and crab — concerning the fishing zone, by-caughts of cephalopods, and charges, are revised in accordance with the technical data sheet set out in Annex 1 to this Decision.

Article 2

The technical conditions for category 7 — Pelagic trawlers — concerning the fishing zone are revised in accordance with the technical data sheet set out in Annex 2 to this Decision.

Article 3

This Decision shall apply from 22 September 2013.

Done at Brussels, 5 November 2013.

For the European Union

European Commission The Head of the Bilateral Agreements and Fisheries Control Unit of the Director-General for Fisheries and Maritime Affairs

Roberto CIABRIS

For Mauritania

The Technical Adviser to the Minister of Fisheries and the Marine Economy

Chikh BAYA

ANNEX I

CATEGORY 1 — VESSELS FISHING FOR CRUSTACEANS OTHER THAN SPINY LOBSTER AND CRAB

FISHING CATEGORY 1

VESSELS FISHING FOR CRUSTACEANS OTHER THAN SPINY LOBSTER AND CRAB

1. Fishing zone

Fishing is authorized to the west of a line defined as follows:
(a) North of latitude 19°19’12”N, the line joining the following points:

- 20°46’30”N 17°03’30”W
- 20°40’00”N 17°08’30”W
- 20°10’12”N 17°15’12”W
- 19°15’32”N 16°51’30”W
- 19°19’12”N 16°45’30”W
- 19°19’12”N 16°41’34”W

(b) South of latitude 19°19’12”N as far as 17°50’00”N, at 9 nautical miles calculated from the low-water mark.
(c) South of latitude 17°50’00”N, at 6 nautical miles calculated from the low-water mark.

2. Authorized gear

- Basket shrimp trawl, including those fitted with a tickler chain or any other selective device.
  - The tickler chain is an integral part of the rigging of shrimp trawls equipped with outriggers. It consists of a single length of chain with links of no more than 12 mm in diameter fastened between the trawl boards ahead of the foot roe.
  - The mandatory use of selective devices is subject to a decision of the Joint Committee based on a joint scientific, technical and economic assessment.
  - Doubling of the cod-end is prohibited.
  - Doubling of the twine forming the cod-end is prohibited.
  - Protective aprons are authorized.

3. Minimum authorized mesh

50 mm

4. Minimum size

For deep-water shrimp, the minimum size is to be measured from the tip of the rostrum to the end of the tail. The tip of the rostrum is an extension of the carapace which is situated in the anterior median portion of the cephalothorax.

- Deep-water shrimp:
  - rose shrimp or gambas (Pseudoostracops longirostris) 6 cm
  - Coastal shrimp:
  - white shrimp or caranxo peon (Panaxia nobilis) and common shrimp (Panassa borealis) 200 indiv/kg

The Joint Committee may determine the minimum size for species not listed above.
5. By-catches

<table>
<thead>
<tr>
<th>Authorised</th>
<th>Non-authorised</th>
</tr>
</thead>
<tbody>
<tr>
<td>15% fish, of which 2% payment in kind</td>
<td>- spiny lobster</td>
</tr>
<tr>
<td>10% crabs</td>
<td>-</td>
</tr>
<tr>
<td>8% cephalopods</td>
<td></td>
</tr>
</tbody>
</table>

The joint Committee may determine by-catch rates for species not listed above.

6. Fishing opportunities/fees

<table>
<thead>
<tr>
<th>Period</th>
<th>Year 1</th>
<th>Year 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Volume of authorised catch (in tonnes)</td>
<td>5 000</td>
<td>5 000</td>
</tr>
<tr>
<td>Fees</td>
<td>EUR 400(t)</td>
<td>EUR 400(t)</td>
</tr>
</tbody>
</table>

The fee shall be calculated at the end of each period of two months in which the vessel is authorised to fish, taking into account the catches made during that period.

The licence shall be granted on advance payments of EUR 1 000 per vessel, to be deducted from the total amount of the fee. The advance payments shall be made at the beginning of each two-month period in which the vessel is authorised to fish.

The number of vessels authorised at the same time shall not exceed 36.

7. Biological recovery

Two (2) periods of two (2) months: May-June and October-November.

Any change in the biological recovery period, on the basis of scientific advice, shall be notified to the European Union without delay.

8. Comments

The fees are fixed for the entire period of application of the Protocol.
ANNEX II

CATEGORY 7 — PELAGIC FREEZER TRAWLERS

1. Fishing zone

Fishing is authorised in the west of a line defined as follows:

(a) North of latitude 19°00'00"N, the line joining the following points:

<table>
<thead>
<tr>
<th>Latitude</th>
<th>Longitude</th>
</tr>
</thead>
<tbody>
<tr>
<td>20°46'30&quot;N</td>
<td>17°03'00&quot;W</td>
</tr>
<tr>
<td>20°36'00&quot;N</td>
<td>17°11'00&quot;W</td>
</tr>
<tr>
<td>20°26'00&quot;N</td>
<td>17°30'00&quot;W</td>
</tr>
<tr>
<td>20°16'00&quot;N</td>
<td>17°45'00&quot;W</td>
</tr>
<tr>
<td>20°06'00&quot;N</td>
<td>17°30'00&quot;W</td>
</tr>
<tr>
<td>19°45'00&quot;N</td>
<td>17°05'00&quot;W</td>
</tr>
<tr>
<td>19°30'00&quot;N</td>
<td>16°34'50&quot;W</td>
</tr>
<tr>
<td>19°00'00&quot;N</td>
<td>16°39'50&quot;W</td>
</tr>
</tbody>
</table>

(b) South of latitude 19°00'00"N as far as 17°05'00"W, at 20 nautical miles calculated from the low-water mark.

(c) South of latitudes 17°05'00"N as far as 16°34'00"W, at 13 nautical miles calculated from the low-water mark.

2. Authorised gear

Pelagic trawl

The bag of the trawl may be strengthened with a piece of netting with a minimum mesh size of 400 mm of stretched mesh and by strake placed at least 1.5 metres apart, except for the strake at the back of the trawl which may not be placed less than 2 metres from the window in the bag. Strengthening or doubling the bag by any other means is prohibited and the trawl may in no case target species other than the small pelagic species authorised.

3. Minimum authorised mesh

40 mm

4. Minimum size

For fish, the minimum size is to be measured from the tip of the snout to the end of the caudal fin (total length) (see Appendix 3).

The Joint Committee may determine the minimum size for species not listed above.
5. By-catches

<table>
<thead>
<tr>
<th>Authorized</th>
<th>Not authorized</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 % of the total for the authorised target species or group of species (live weight)</td>
<td>Crustaceans or cephalopods except squid</td>
</tr>
</tbody>
</table>

The Joint Committee may determine by-catch rates for species not listed in Appendix 4.

6. Fishing opportunities/fleet

<table>
<thead>
<tr>
<th>Period</th>
<th>Year 1</th>
<th>Year 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Volume of authorised catches (in tonnes)</td>
<td>100 000</td>
<td>100 000</td>
</tr>
<tr>
<td>Fees</td>
<td>EUR 123/</td>
<td>EUR 123/</td>
</tr>
</tbody>
</table>

The fee shall be calculated at the end of each period of three months in which the vessel is authorised to fish, taking into account the catches made during that period.

The licence shall be granted on advance payment of EUR 5 000 per vessel, to be deducted from the total amount of the fee. The advance payment shall be made at the beginning of each three-month period in which the vessel is authorised to fish.

The number of vessels authorised at the same time shall not exceed 19.

7. Biological recovery

A biological recovery period may be agreed by the Parties within the Joint Committee on the basis of the scientific advice of the Joint Scientific Committee.

8. Comments

The fees are fixed for the entire period of application of the Protocol.

The conversion factors for small pelagic species are specified in Appendix 5.

Unusual category II fishing opportunities may be used at a rate of a maximum of two licences per month.
AGREEMENT ON A SUSTAINABLE FISHERIES PARTNERSHIP
BETWEEN THE EUROPEAN UNION AND THE REPUBLIC OF SENEGAL

THE EUROPEAN UNION, hereinafter referred to as “the Union”, and
THE REPUBLIC OF SENEGAL, hereinafter referred to as “Senegal”,
hereinafter referred to as “the Parties”;

CONSIDERING the close working relationship between the Union and Senegal, particularly in the
context of the Cotonou Agreement, and their mutual desire to intensify that relationship,

Fish Stocks Agreement,

DETERMINED to apply the decisions and recommendations taken by the relevant regional
organizations of which the Parties are members,

AWARE of the importance of the principles established by the Code of Conduct for Responsible
Fisheries adopted by the Food and Agriculture Organization (FAO) in 1995,

DETERMINED to cooperate, in their mutual interest, in promoting the establishment of responsible
fisheries to ensure the long-term conservation and sustainable exploitation of marine living
resources,

CONVINCED that such cooperation must take the form of initiatives and measures which, whether
taken jointly or separately, are complementary and ensure consistent policies and synergy of
effort,

AGREEING, for the purposes of such cooperation, to establish the dialogue with civil society
operators, in particular the fishing industry, needed to implement the fishing policies of
Senegal,

WISHING to establish terms and conditions governing the fishing activities of Union vessels in
Senegalese waters, on the one hand, and Union support for sustainable fishing in those
waters on the other hand,

RESOLVED to pursue closer economic cooperation in the fishing industry and related activities by
promoting cooperation between companies from both Parties,

HAVE AGREED AS FOLLOWS:

Article 1 – Definitions

For the purposes of this Agreement:

(a) “Senegalese authorities” means the Ministry of Fisheries of the Republic of Senegal;
(b) “Union authorities” means the European Commission;
(c) “fishing activity” means searching for fish, shooting, setting, towing, hauling of a
fishing gear, taking catch on board, transhipping, retaining on board, processing on
board, transferring, caging, fattening and landing of fish and fishery products;
(d) “fishing vessel” means any ship or other vessel used, equipped or of a type normally
used for fishing purposes according to Senegalese law;
(e) “Union fishing vessel” means any fishing vessel flying the flag of a Member State and registered in the Union;

(f) “Senegalese waters” means the waters under the sovereignty or jurisdiction of Senegal;

(g) “Agreement” means the Agreement, the Protocol, its Annex and Appendices;

(h) “force majeure” means sudden, unforeseen and unavoidable events that may endanger or prevent normal fishing activities in Senegalese waters.

**Article 2 - Subject**

This Agreement establishes the principles, rules and procedures governing:

(a) the conditions under which Union fishing vessels may conduct fishing activities in Senegalese waters within the limits of the available surplus;

(b) economic, financial, technical and scientific cooperation in the fisheries sector with a view to promoting sustainable fishing in Senegalese waters and developing Senegal’s fisheries sector;

(c) cooperation on the arrangements for monitoring fisheries in Senegalese waters with a view to ensuring that the above rules and conditions are complied with, that the measures for the conservation and management of fishery resources are effective and that illegal, unreported and unregulated fishing is prevented.

**Article 3 – Principles**

1. The Parties undertake to promote responsible fishing in Senegalese waters as provided for in FAO's Code of Conduct for Responsible Fishing.

2. Senegal undertakes not to grant more favourable conditions than those laid down in this Agreement to segments of other foreign fleets present in its waters whose vessels have the same characteristics and target the same species as those covered by this Agreement.

3. The Parties undertake to ensure that this Agreement is implemented in accordance with article 9 of the Cotonou Agreement on essential elements regarding human rights, democratic principles and the rule of law, and fundamental element regarding good governance, following the procedure set out in articles 8 and 96 thereof.

4. The Parties undertake to ensure that this Agreement is implemented in accordance with the principles of good economic and social governance, taking into account the state of fishery resources.

5. The International Labour Organization (ILO) Declaration on Fundamental Principles and Rights at Work shall apply as of right to seamen taken on board Union fishing vessels. This concerns in particular freedom of association, effective recognition of the right to collective bargaining, and elimination of discrimination in respect of employment and occupation.

6. The Parties shall consult one another prior to adopting any decision that may affect the activities of Union vessels under this Agreement.

**Article 4 – Access to Senegalese waters**

1. Union fishing vessels may only carry out their activities in Senegalese waters if they are in possession of a fishing authorization issued under this Agreement; all other fishing activities are forbidden.
The Senegalese authorities may only issue fishing authorizations to Union fishing vessels under this Agreement; the issuing to these vessels of other authorizations, in particular private licences, is forbidden.

**Article 5 – Applicable law and implementation**

1. The fishing activities governed by this Agreement shall, without prejudice to the provisions herein, be subject to Senegalese law.

2. The Senegalese authorities shall notify the Union authorities of any amendments to legislation that may affect the activities of Union fishing vessels. This legislation shall be enforceable against the latter as of the sixtieth day following receipt of the notification by the Union authorities.

3. Senegal undertakes to take all the appropriate steps required for the effective application of the fisheries monitoring measures provided for in this Agreement. Union fishing vessels shall cooperate with the Senegalese authorities responsible for carrying out such monitoring.

4. The Union undertakes to take all the appropriate steps required to ensure that its vessels comply with the provisions of this Agreement and of the relevant Senegalese legislation.

5. The Union authorities shall notify the Senegalese authorities of any amendments to legislation that may affect the activities of Union fishing vessels under this Agreement.

**Article 6 – Financial contribution**

1. The Union shall grant Senegal a financial contribution under this Agreement in order to:
   
   (a) cover part of the costs of access by Union fishing vessels to Senegalese fishery resources, irrespective of the part of the access costs due by vessel owners;

   (b) improve Senegal’s capacity to formulate and implement a sustainable fisheries policy through sectoral support.

2. The financial contribution for sectoral support shall be separate from the payments for access costs. It shall be determined by and conditional on the achievement of Senegalese sectoral fisheries policy objectives in accordance with the procedures laid down in the Protocol to this Agreement following annual and multiannual implementation programming.

3. The financial contribution granted by the Union shall be paid annually in accordance with the procedure laid down in the Protocol. The amount of this contribution may be reviewed in the following cases:

   (a) force majeure;

   (b) a reduction in the fishing opportunities granted to Union vessels, for the purposes of managing the stocks concerned, where this is considered necessary for the conservation and sustainable exploitation of resources on the basis of the best available scientific advice;

   (c) an increase in the fishing opportunities granted to Union vessels, where the best available scientific advice concurs that the state of resources so permits;

   (d) a reassessment of the terms of the financial contribution for sectoral support, where this is warranted by the results of the annual and multiannual programming observed by both Parties;

   (e) suspension of this Agreement under article 13;
Article 10 – Cooperation between fisheries professional organizations, the private sector and civil society

1. The Parties shall encourage economic and technical cooperation in the fisheries sector and related sectors. They may consult one another with a view to facilitating and coordinating the various measures that might be taken to this end.

2. The Parties undertake to promote the exchange of information on fishing techniques and gear, preservation methods and the industrial processing of fisheries products.

3. The Parties shall endeavour to create conditions favourable to the promotion of relations between their enterprises in the technical, economic and commercial spheres, by encouraging the establishment of an environment favourable to the development of business and investment. Where appropriate they shall encourage the creation of joint ventures.

Article 11 – Area of application

This Agreement shall apply, on the one hand, to the territories in which the Treaty on European Union is applied and under the conditions laid down in that Treaty, and on the other hand to Senegal.

Article 12 – Duration

This Agreement shall apply for five years from the date of its entry into force. It shall be renewable by tacit agreement, unless notice of termination is given in accordance with article 14.

Article 13 – Suspension

1. Application of this Agreement may be suspended unilaterally by either Party in the following cases:
   (a) force majeure;
   (b) a dispute between the Parties as to the application or implementation of this Agreement;
   (c) violation by one of the Parties of the provisions of this Agreement, in particular of article 3(3) with respect to human rights.

2. Suspension of the Agreement shall be notified to the other Party in writing and shall take effect three months after receipt of the notification. On notification of suspension the Parties shall enter into consultations with a view to resolving their differences amicably within three months. These consultations may continue after suspension has taken effect. Should an amicable solution be reached, application of the Agreement shall be resumed immediately and payment of the financial contribution referred to in article 6 shall be reduced proportionately and pro rata temporis.

Article 14 – Termination

1. Application of this Agreement may be terminated unilaterally by either Party in the following cases:
   (a) force majeure;
   (b) degradation of the stocks concerned according to the best available independent, reliable scientific advice;
   (c) failure by Union vessels to exploit the fishing opportunities granted to them;
(d) failure to comply with undertakings made by the Parties with regard to combating illegal, unreported and unregulated fishing.

2. Termination of the Agreement shall be notified to the other Party in writing and shall take effect six months after receipt of the notification, unless the Parties decide by common accord to extend this period. On notification of termination, the Parties shall enter into consultations with a view to resolving their differences amicably within six months. Should an amicable solution be reached, application of the Agreement shall be resumed immediately and payment of the financial contribution referred to in article 6 shall be reduced proportionately and pro rata temporis.

Article 15 – Repeal

The Agreement between the Government of the Republic of Senegal and the European Economic Community on fishing off the coast of Senegal, which entered into force on 1 June 1981, is hereby repealed.

Article 16 – Entry into force

This Agreement is drawn up in duplicate in the Bulgarian, Czech, Estonian, Danish, Dutch, English, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, each of these texts being equally authentic.

It will enter into force on the date on which the Parties notify each other that they have completed the necessary procedures for that purpose.

Article 17 – Provisional application

Signature of this Agreement by the Parties entails its provisional application prior to its entry into force.
(f) termination of this Agreement under article 14.

**Article 7 – Joint Committee**

1. A Joint Committee, consisting of representatives of the Union and Senegal authorities, shall be set up to monitor the application of this Agreement. It may also adopt amendments to the Protocol, Annex and Appendices.

2. The Joint Committee’s monitoring role shall mainly consist of:

   (a) monitoring the performance, interpretation and application of this Agreement and, in particular, the definition of the annual and multiannual programming referred to in article 6(2) and evaluation of its implementation;

   (b) providing the necessary liaison for matters of mutual interest relating to fisheries;

   (c) acting as a forum for the amicable settlement of any disputes regarding the interpretation or application of the Agreement.

3. The Committee’s decision-making role shall consist of approving amendments to the Protocol, Annex and Appendices to this Agreement with regard to:

   (a) reassessing the fishing opportunities and, consequently, the amount of the financial contribution;

   (b) the sectoral support procedures;

   (c) the conditions for the exercise of fishing activities by Union fishing vessels.

Decisions shall be taken by consensus and set out in the annex to the minutes of the meeting.

4. The Joint Committee shall carry out its functions in accordance with the aims of this Agreement and the relevant rules adopted by the regional fisheries organizations.

5. The Joint Committee shall meet at least once a year, alternately in Senegal and in the Union, or in another mutually-agreed location, and shall be chaired by the Party hosting the meeting. It shall hold a special meeting at the request of either Party.

**Article 8 - Cooperation on surveillance and combating illegal, unreported and unregulated fishing**

The Parties undertake to work closely together in combating illegal, unreported and unregulated fishing with a view to establishing responsible fishing and sustainable fisheries.

**Article 9 – Scientific cooperation**

1. The Parties shall encourage scientific cooperation so as to better monitor the state of marine living resources in Senegalese waters.

2. The Parties shall consult one other, in particular within a joint scientific working group and the relevant international organizations, with a view to enhancing management and conservation of living resources in the Atlantic Ocean and cooperating with respect to the relevant scientific research.
PROTOCOL
ON THE IMPLEMENTATION OF THE SUSTAINABLE FISHERIES PARTNERSHIP
AGREEMENT BETWEEN THE EUROPEAN UNION AND THE REPUBLIC OF
SENEGAL

Article 1
Field of application

1. The fishing opportunities granted to Union fishing vessels are hereby determined as follows:
   – highly migratory species (listed in Annex 1 to the 1982 United Nations Convention on
     the Law of the Sea), with the exception of species protected or prohibited by the
     International Commission for the Conservation of Atlantic Tunas (ICCAT):
       (a) 28 freezer tuna seiners
       (b) 8 pole-and-line vessels
   – deep-sea demersal species:
     (c) 2 trawlers

   This paragraph shall apply subject to articles 5 and 6 of this Protocol.

2. The fishing opportunities described in the first indent concern only the Senegalese fishing
   zones the geographical coordinates for which are listed in the Annex.

Article 2
Duration

This Protocol and its Annex shall apply for five years from the date of its entry into force or, if
applicable, from the date of its provisional application.

Article 3
Financial contribution

1. The total value of the Protocol, for the period referred to in article 2, is estimated at
   EUR 13 930 000. This amount is distributed as follows:

1.1. EUR 8 690 000 by way of the financial contribution referred to in article 6 of the
     Agreement, allocated as follows:

     (1) an annual amount as financial compensation for access to resources of
         EUR 1 058 000 for the first year, EUR 988 000 for the second, third and
         fourth years and EUR 918 000 for the fifth year, equivalent to a reference
         tonnage, for highly migratory species, of 14 000 tonnes per year;

     (2) a specific amount of EUR 750 000 per year for five years to support
         implementation of the Senegalese sectoral fisheries policy;

1.2. EUR 5 240 000, corresponding to the estimated levies payable by the vessel owners for the
     fishing authorizations issued under article 4 of the Agreement and according to the
     procedures set out in Chapter II, point 3.

2. Paragraph 1 shall apply subject to articles 5, 6, 7 and 8 of this Protocol and articles 13 and
   14 of the Agreement.

3. Senegal shall ensure that the activities of the Union fishing vessels in its fishing zones are
   monitored in order to ensure appropriate management of the reference tonnage set out in
   paragraph 1.1.(1) for highly migratory species and of the total admissible catch for
demersal species indicated in the corresponding technical sheet annexed to this Protocol, taking into account the state of the stocks and any available surplus. During this monitoring Senegal shall notify the Union authorities as soon as the catch level of the 
Union vessels operating in the Senegalese fishing zones reaches 80% of the reference 
tonnage or 80% of the total allowable catch for demersal species. On receipt of this 
notification the Union shall inform the Member States.

4. As soon as the catch level reaches 80% of the reference tonnage or 80% of the total 
allowable catch for demersal species, Senegal shall ensure that monitoring takes place on 
the basis of monthly catches made by Union fishing vessels. This monitoring shall be 
carried out on a daily basis as soon as the Electronic Reporting System (ERS) described in 
Chapter IV, Section 1 of the Annex to this Protocol is in operation. Senegal shall notify the 
Union authorities as soon as the above-mentioned reference tonnage or total allowable 
catch has been reached. On receipt of this notification the Union shall likewise inform the 
Member States.

5. If the annual quantity of catches of highly migratory species by Union fishing vessels in 
Senegalese waters exceeds the annual reference tonnage indicated in paragraph 1.1.(1), the 
total amount of the annual financial contribution shall be increased by EUR 55 for the first 
year, EUR 50 for the second, third and fourth years and EUR 45 for the fifth year for each 
additional tonne caught.

6. The total allowable catch of demersal species indicated in the corresponding technical 
sheet attached to the Annex of this Protocol corresponds to the maximum volume of 
authorized catches of these species. If the annual quantity of catches exceeds the total 
allowable catch, the levy indicated in the technical sheet, payable only by the vessel 
owners, shall be increased by 50% for the catches exceeding the limit.

7. However, the total annual amount paid by the European Union shall not be more than 
twice the amount indicated in paragraph 1.1.(1). Where the quantities caught by Union 
fishing vessels exceed the quantities corresponding to twice the total annual amount, the 
amount due for the quantity exceeding that limit shall be paid the following year.

8. Payment of the financial contribution laid down in paragraph 1.1(1) for access by Union 
fishing vessels to Senegalese fishery resources shall be made by the Union no later than 
ninety (90) days after the date of provisional application of the Protocol for the first year, 
and no later than on the anniversary date of the signing of the Protocol for the following 
years.

9. The financial contribution indicated in paragraph 1.1(1) shall be paid into a Senegale Public 
Treasury account. The financial contribution indicated in paragraph 1.1(2), earmarked for 
sectoral support, shall be placed at the disposal of the Directorate for Maritime Fisheries in 
an open-deposit Public Treasury account. The Senegalese authorities shall notify the 
European Commission of the relevant bank account numbers on an annual basis.

**Article 4**

**Sectoral support**

1. No later than three (3) months after the entry into force or, if applicable, the provisional 
application of this Protocol, the Joint Committee shall agree on a multiannual sectoral 
programme and rules for implementing it, in particular:

   (1) annual and multiannual guidelines for using the financial contribution referred 
to in article 3(1.1)(2);

   (2) the objectives, both annual and multiannual, to be achieved with a view to 
establishing, over time, responsible and sustainable fishing, taking account of 
the priorities expressed by Senegal in its national fisheries policy or other
policies relating to or having an impact on the introduction of responsible and sustainable fishing, particularly with regard to small-scale fishing and the surveillance, monitoring and combating of illegal, unreported and unregulated (IUU) fishing, as well as priorities for reinforcing Senegal’s scientific capacities in the fisheries sector;

(3) the criteria and procedures, including, where appropriate, budgetary and financial indicators, to be used for evaluating the results obtained each year.

2. The Joint Committee shall identify the objectives and estimate the expected impact of the projects in order to approve the allocation by Senegal of the financial contribution for sectoral support.

3. Each year, Senegal shall present an annual achievement report, to be examined by the Joint Committee, setting out how the projects implemented with sectoral financial support have progressed. A final report shall also be drawn up by Senegal before the Protocol expires.

4. The specific financial contribution for sectoral support shall be paid in instalments based on a detailed analysis of the outcomes of the sectoral support and of the needs identified during the programming. The Union may suspend, partially or totally, payment of the specific financial contribution provided for in article 3(1.1)(2) of this Protocol:

4.1. if the results obtained are inconsistent with the programming, following an evaluation carried out by the Joint Committee;

4.2. in the event of failure to implement this financial contribution in line with the agreed programming.

Payment of the financial contribution shall resume after consultation and agreement by the Parties, and/or if the results of the financial implementation referred to in paragraph 4 so warrant. Nevertheless, the specific financial contribution provided for in article 3(1.1)(2) may not be paid out beyond a period of six (6) months after the Protocol expires.

5. All proposed amendments to the multiannual sectoral programme shall be approved by the Joint Committee.

**Article 5**

*Scientific cooperation*

1. With regard to the region of West Africa, the Parties undertake to promote cooperation as regards responsible fishing. The Parties undertake to comply with the recommendations and resolutions of the International Commission for the Conservation of Atlantic Tunas (ICCAT) and to take account of the scientific opinions of other competent regional organizations such as the Committee for Eastern Central Atlantic Fisheries (CECAFF).

2. The Parties undertake to convene the Joint Scientific Working Group regularly and when required in order to examine all scientific issues relating to the implementation of this Protocol. The mandate, composition and functioning of this Joint Scientific Working Group shall be laid down by the Joint Committee.

3. Based on the recommendations and resolutions adopted by ICCAT and in the light of the best available scientific advice such as that of CECAFF and, where appropriate, of the findings of the Joint Scientific Working Group meetings, the Joint Committee shall adopt measures to ensure the sustainable management of the fishery resources covered by this Protocol and concerning the activities of Union fishing vessels.
Article 6
Adjustment of fishing opportunities

1. The fishing opportunities referred to in article 1 may be adjusted by the Joint Committee insofar as the recommendations and resolutions adopted by ICCAT and the opinions of CECAF confirm that such adjustment guarantees the sustainable management of the fish species covered by this Protocol, and subject to validation by the Joint Scientific Working Group.

2. In this case, the financial contribution referred to in article 3(1.1)(1) shall be adjusted proportionately and pro rata temporis. However, the total annual amount of the financial contribution paid by the Union shall not be more than twice the amount referred to in article 3(1.1)(1).

Article 7
New fishing opportunities and exploratory fishing

1. Should Union vessels be interested in fishing activities which are not provided for in article 1, the Parties shall consult in the Joint Committee with a view to the issue of an authorization relating to these new activities. Where appropriate, the Joint Committee shall agree on the conditions applicable to these new fishing opportunities and, if necessary, make amendments to this Protocol and to the Annex hereto.

2. Authorization for new fishing activities shall be issued taking account of the best scientific opinions and, where appropriate, on the basis of the findings of scientific surveys validated by the Joint Scientific Working Group.

3. Following the consultations laid down in paragraph 1, the Joint Committee may authorize exploratory fishing surveys in the Senegalese fishing zones to test the technical feasibility and the economic viability of new fisheries. To this end, and at Senegal’s request, it shall on a case-by-case basis determine the species, conditions and all other appropriate parameters. The Parties shall carry out exploratory fishing in line with the conditions laid down by the Joint Scientific Working Group.

Article 8
Suspension

The application of this Protocol, including payment of the financial contribution, may be suspended unilaterally by either Party in the cases and on the conditions set out in article 13 of the Agreement.

Article 9
Termination

This Protocol may be terminated unilaterally by either Party in the cases and on the conditions set out in article 14 of the Agreement.

Article 10
Electronic communication

1. Senegal and the Union undertake to install as soon as possible the computer systems required for the electronic exchange of all the information and documents relating to the implementation of the Agreement.

2. The electronic form of a document will be considered equivalent to the paper version in every respect.
3. Senegal and the Union shall inform each other of any malfunction of a computer system as soon as possible. The information and documents relating to the implementation of the Agreement shall then be automatically replaced by their paper version.

**Article 11**

**Confidentiality of data**

1. Senegal and the Union shall undertake that all nominative data relating to European vessels and their fishing activities obtained within the framework of the Agreement will, at all times, be processed strictly in accordance with the principles of confidentiality and data protection.

2. Both Parties shall ensure that only aggregated data related to fishing activities in Senegalese waters are made publicly available, in accordance with the relevant provisions of ICCAT and the other regional fisheries management organizations. Data which may be considered confidential must be used by the competent authorities exclusively for the purposes of implementing the Agreement and for fishery management, monitoring and surveillance.

**Article 12**

**Provisional application**

This Protocol and the Annex and Appendices thereto shall be provisionally applied as from the date of its signature by the Parties.

**Article 13**

**Entry into force**

This Protocol with its Annex and Appendices shall enter into force on the date on which the Parties notify each other of the completion of the procedures necessary for that purpose.
ANNEX TO THE PROTOCOL

CONDITIONS GOVERNING FISHING ACTIVITIES BY EUROPEAN UNION VESSELS
IN THE SENEGALESE FISHING ZONE

CHAPTER I – GENERAL PROVISIONS

1. Designation of the competent authority

For the purposes of this Annex and unless otherwise specified, any reference to the European Union (EU) or to the Republic of Senegal (Senegal) as a competent authority shall mean:
- for the EU: the European Commission, where applicable via the EU delegation to Senegal;
- for the Republic of Senegal: the Ministry for Fisheries and Maritime Affairs.

2. For the purposes of applying the provisions of this Annex, the term “fishing authorization” shall be equivalent to “licence”, as defined in Senegalese legislation.

3. Fishing zones

Senegalese fishing zones are defined as those parts of Senegalese waters in which Senegal authorizes Union fishing vessels to carry out fishing activities in accordance with article 5.1 of the Agreement.

3.1. The geographical coordinates of the Senegalese fishing zones and the baselines are indicated in Appendix 4 to the Annex to this Protocol.

3.2. Similarly, the zones in which fishing is prohibited by the national legislation in force, such as national parks, protected marine areas and fish breeding grounds, as well as the zones closed to shipping, are indicated in Appendix 4 to the Annex to this Protocol.

3.3. Senegal shall notify to the vessel owners the boundaries of the fishing and closed zones when issuing the fishing authorization.

3.4. Any changes to these zones shall be notified to the Commission by Senegal for information purposes at least two months before such changes apply.

4. Biological rest periods

Union fishing vessels authorized to carry out their activity under this Protocol shall respect all biological rest periods specified by Senegalese legislation.

5. Designation of a consignee

Any Union fishing vessel which plans to land or tranship in a Senegalese port must be represented by a consignee resident in Senegal.

6. Bank account for payments by vessel owners

Senegal shall notify the EU before the entry into force of the Protocol of the details of the Public Treasury account into which the financial sums payable by EU vessels under the Agreement should be paid. The associated bank transfer costs shall be borne by the vessel owners.

7. Contacts

The address of the Ministry for Fisheries and Maritime Affairs and of the Fisheries Protection and Monitoring Directorate (DPSP) of Senegal are listed in Appendix 7.

CHAPTER II – FISHING AUTHORIZATIONS

1. Conditions for obtaining a fishing authorization – eligible vessels
The fishing authorizations referred to in article 4 of the Agreement shall be issued on the condition that the vessel is included in the Union register of fishing vessels and that all previous obligations of the vessel owner, the master, or the vessel itself arising from their fishing activities in Senegal under the Agreement have been met.

2. **Application for a fishing authorization**

1. The relevant EU authorities shall submit (by electronic means) to the Ministry for Fisheries and Maritime Affairs, with a copy to the EU Delegation in Senegal, an application for each vessel wishing to fish under the Agreement, at least twenty (20) working days before the start of the period of validity requested. The original forms shall be sent directly by the relevant EU authorities to the Directorate for Sea Fishing (DPM) via the EU Delegation.

2. Applications shall be submitted to the DPM on a form drawn up in accordance with the specimen in Appendix 1.

3. All fishing authorization applications shall be accompanied by the following documents:
   - proof of payment of the flat-rate advance for the period of validity of the licence;
   - a colour photograph of the vessel, showing a lateral view.

4. For the renewal of a fishing authorization under the Protocol in force for a vessel whose technical specifications have not been modified, the renewal application shall be accompanied only by proof of payment of the fee.

3. **Flat-rate/advance fee**

1. The amount of the fee for demersal species is indicated in the technical sheet in Appendix 2. Fishing authorizations shall be issued once the advance fees indicated in this sheet have been paid to the competent national authorities.

2. The fee payable for tuna seiners and pole-and-line vessels, in EUR per tonne caught in the Senegalese fishing zones, is as follows:
   - EUR 55 for the first year of application;
   - EUR 60 for the second and third years of application;
   - EUR 65 for the fourth year of application;
   - EUR 70 for the fifth year of application.

Fishing authorizations shall be issued once the following flat-rate fees have been paid to the competent national authorities:

- For tuna seiners:
  - EUR 13 750 per vessel, equivalent to the fees due for 250 tonnes per year during the first year of application of the Protocol;
  - EUR 15 000 per vessel, equivalent to the fees due for 250 tonnes per year during the second and third years of application of the Protocol;
  - EUR 16 250 per vessel, equivalent to the fees due for 250 tonnes per year during the fourth year of application of the Protocol;
  - EUR 17 500 per vessel, equivalent to the fees due for 250 tonnes per year during the fifth year of application of the Protocol;

- For pole-and-line vessels:
  - EUR 8 250 per vessel, equivalent to the fees due for 150 tonnes per year during the first year of application of the Protocol;
- EUR 9 000 per vessel, equivalent to the fees due for 150 tonnes per year during the second and third years of application of the Protocol;
- EUR 9 750 per vessel, equivalent to the fees due for 150 tonnes per year during the fourth year of application of the Protocol;
- EUR 10 500 per vessel, equivalent to the fees due for 150 tonnes per year during the fifth year of application of the Protocol.

3. The flat-rate fee shall include all national and local charges except for port taxes and service charges.

4. If the period of validity of the fishing authorization is less than one year, e.g. because of a biological rest period, the flat-rate fee shall be adapted pro rata to the period of validity requested.

4. **Issue of a fishing authorization and provisional list of vessels authorized to fish**

1. Once it has received the applications for fishing authorizations in accordance with paragraphs 2.2 and 2.3, Senegal shall, within five days, draw up the provisional list of vessels authorized to fish for each category of vessel.

2. This list shall be sent without delay to the national body responsible for supervising fishing, and to the EU.

3. The EU shall forward the provisional list to the vessel owner or to the consignee. If the EU offices are closed, Senegal may send the provisional list directly to the ship owner or his agent, with a copy to the EU.

4. Vessels shall be authorized to fish as soon as they are included on the provisional list. These vessels must keep a copy of the provisional list on board until their fishing authorization is issued.

5. Fishing authorizations for all vessels shall be issued to vessel owners or their agents via the EU Delegation to Senegal within twenty (20) working days of receipt of all the documents referred to in point 2.3 by the DPM.

6. At the same time, in order to not delay the possibility of fishing in the area, a copy of the fishing authorization shall be sent to the ship owner electronically. This copy may be used for a maximum period of 60 days after the date on which the authorization was issued. During this period, the copy shall be considered equivalent to the original.

7. The fishing authorization must be held on board at all times, without prejudice to the provisions of points 4 and 6 of this Section.

5. **Transfer of a fishing authorization**

1. A fishing authorization shall be issued for a given vessel and shall not be transferable.

2. However, at the request of the EU and where force majeure is proven, in particular in the event of the loss or prolonged immobilization of a vessel due to a serious technical failure, the fishing authorization of the initial vessel shall be replaced by a new authorization for another vessel of the same category, with no further fee due.

3. In this case, the calculation of catch levels to determine any additional payment shall take account of the sum of the total catches of the two vessels.

4. The owner of the first vessel, or his agent, shall return the cancelled fishing authorization to the DPM via the EU Delegation to Senegal.

5. The new fishing authorization shall take effect on the day on which the cancelled fishing authorization is returned to the DPM. The EU Delegation shall be informed of the transfer of the fishing authorization.
6. **Period of validity of the licence**

1. Fishing authorizations for tuna seiners and pole-and-line vessels shall be valid for an annual period. Fishing authorizations for ocean-going fish trawlers (deep-water demersal species) shall be valid for a quarterly period.

2. Fishing authorizations shall be renewable.

3. In order to establish the start of the period of validity,
   - “annual period” shall mean: for the first year of application of the Protocol, the period between the date of its entry into force and 31 December of the same year; then, each complete calendar year; for the last year of application of the Protocol, the period between 1 January and the date of expiry of the Protocol.
   - “quarterly period” shall mean: at the start of application of the Protocol, the period between the date of its entry into force and the date of the start of the next quarter, a quarter having to begin on 1 January, 1 April, 1 July or 1 October; then, each complete quarter; at the end of application of the Protocol, the period between the end of the last full quarter and the date of expiry of the Protocol.

7. **Support vessels**

1. At the request of the EU, Senegal shall authorize Union fishing vessels which are holders of a fishing authorization to be assisted by support vessels.

2. This support must not include refuelling or transhipment of catches.

3. Support vessels must fly the flag of an EU Member State and must not be equipped for fishing.

4. Support vessels are subject to the same procedure as regards the sending of applications for fishing authorization set out in Chapter II, to the extent applicable.

5. Senegal shall draw up the list of authorized support vessels and send it without delay to the national body responsible for supervising fishing, and to the EU.

**CHAPTER III – TECHNICAL MEASURES**

The technical measures applicable to ocean-going fish trawlers (deep-water demersal species) holding a fishing authorization, relating to zone, fishing gear and additional catch, are set out in the technical sheet contained in Appendix 2.

Tuna vessels shall comply with all the recommendations and resolutions adopted by ICCAT.

**CHAPTER IV – CONTROL, MONITORING AND SURVEILLANCE**

**Section 1: Catch Reporting Arrangements**

1. **Fishing logbook**

1. The master of a Union vessel fishing under the Agreement shall keep a fishing logbook, for which the model for each category of fishing is included in Appendices 3a and 3b of this Annex.

2. The fishing logbook shall be completed by the master for each day the vessel is present in the Senegalese fishing zone.

3. Each day the master shall record in the fishing logbook the quantity of each species, identified by its FAO alpha 3 code, caught and kept on board, expressed in kilograms of live weight or, where necessary, the number of individual fish. For each main species, the master shall also include the bad catch.
4. Where applicable, the master shall also record each day in the fishing logbook the quantities of each species thrown back into the sea, expressed in kilograms of live weight or, where necessary, the number of individual fish.

5. The fishing logbook shall be filled in legibly, in block capitals, and signed by the master.

6. The master shall be responsible for the accuracy of the data recorded in the fishing logbook.

2. Catch reporting

1. The master shall notify the vessel’s catch by submitting to Senegal its fishing logbooks for the period of its presence in the Senegalese fishing zones.

2. Until such time as the electronic fishing data communication system mentioned in point 4 of this Section has been set up, the fishing logbooks shall be transmitted in the following ways:

   i. when passing through a Senegalese port, the original of each fishing logbook shall be submitted to the local representative of Senegal, who shall confirm receipt thereof in writing;

   ii. when leaving the Senegalese fishing zones without first passing through a Senegalese port, the original of each fishing logbook shall be sent

      (a) in scanned form by e-mail, to the address given by Senegal. Senegal shall confirm receipt thereof immediately by return e-mail,

      or, in exceptional cases,

      (b) by fax, to the number given by Senegal, or

      (c) within 14 days of arriving in port, and in any case within 45 days of leaving the Senegalese zone, by post sent to Senegal.

3. The master shall send a copy of all the fishing logbooks to the EU. For tuna vessels, the master shall also send a copy of all the fishing logbooks to one of the following scientific institutes:

   (i) IRD (Institut de recherche pour le développement);

   (ii) IEO (Instituto Español de Oceanografía), or

   (iii) INIAP (Instituto Nacional de Investigación Agraria y das Pescas), as well as to

   (v) CRODT (Centre de Recherche Océanographique de Dakar Thiaroye).

4. The return of the vessel into the Senegalese fishing zone within the period of validity of its fishing authorization shall give rise to further catch reporting.

5. Where the provisions concerning catch reporting are not complied with, Senegal may suspend the fishing authorization of the vessel concerned until the missing catch report is obtained and penalize the ship owner in accordance with the relevant provisions under the national legislation in force. If the offence is repeated, Senegal may refuse to renew the fishing authorization.

6. Senegal shall inform the EU immediately of any penalty applied in this context.
3. Quarterly catch reporting for trawlers

Until such time as the electronic fishing data communication system mentioned in point 4 of this Section has been set up, the European Commission shall notify the DPM, before the end of the third month of each quarter, of the quantities caught by the trawlers during the preceding quarter, using the model in Appendix 3c of this Annex.

4. Transition to an electronic fishing data communication system (ERS)

The two Parties agree to ensure a transition to an electronic system for declaring catches based on the technical characteristics laid down in Appendix 6. The Parties agree to define the common arrangements with the aim of this transition taking place as soon as possible. Senegal shall inform the EU as soon as the conditions for this transition have been met. The Parties agree to have the system fully operational within two months from the date this information is sent.

5. Final statement of fees for tuna vessels

1. Annual declaration

1.1. An annual declaration of catches based on the fishing logbooks and the information provided by the master shall be sent to the above-mentioned institutes for validation.

1.2. When validated, these declarations shall be sent to the DPM, the DPSP and CRODT for verification.

1.3. Senegal shall inform the EU swiftly of the results of this verification.

1.4. Should clarifications be necessary, the EU shall contact the EU scientific institutes and pass on the clarifications to Senegal. These notifications will take place electronically.

1.5. The Joint Scientific Working Group shall meet if necessary.

1.6. Other discussions on the verification process may be initiated, if necessary with a meeting of all the scientific institutes.

2. Final statement

2.1. For each tuna-fishing vessel the EU shall draw up, on the basis of its catch reporting confirmed by the above scientific institutes and centre, a final statement of the fees owed by the vessel in respect of its annual season for the previous calendar year.

2.2. The EU shall send this final statement to Senegal and to the ship owner before 15 July of the year following the year in which the catches were made.

2.3. Where the final statement is greater than the anticipated flat-rate fee paid to obtain the fishing authorization, the ship owner shall pay the outstanding balance to Senegal by 30 August of the year in progress. Where the final statement is less than the expected flat-rate fee, the remaining amount may not be reclaimed by the ship owner.

Section 2: Entering and leaving Senegalese waters

1. Union fishing vessels operating in Senegalese waters under this Protocol shall notify the competent Senegalese authorities, at least six (6) hours in advance, of their intention to enter or leave Senegalese waters.
2. When notifying entry into/exit from Senegalese waters vessels shall, at the same time, also communicate their position and the catches already held on board, identified by their FAO 3-alpha code, expressed in kilograms of live weight or, where necessary, the number of individual fish, without prejudice to the provisions of Section 2 of Appendix 6. This information shall be communicated by e-mail or fax to the addresses listed in Appendix 7.

3. A vessel found to be fishing without having informed the competent Senegalese authorities shall be regarded as a vessel without a fishing authorization and shall be subject to the consequences provided for under national law.

4. The e-mail address, fax and telephone numbers and radio coordinates of the competent Senegalese authorities shall be annexed to the fishing authorization.

Section 3: Transhipment and landings

1. Pole-and-line vessels shall land the catches from the Senegalese fishing zones in the port of Dakar and may sell them to local businesses at international market prices defined on the basis of negotiation between operators.

2. All Union fishing vessels operating in Senegalese waters under this Protocol which carry out transhipments in Senegalese waters shall do so off the port of Dakar, with the permission of the competent Senegalese authority.

3. The owners of these vessels or their agents wishing to conduct a transhipment or landing must notify the competent Senegalese authorities, at least 72 hours in advance, of the following:

   3.1. the names of the fishing vessels involved in the transhipment or landing;
   3.2. the name of the cargo vessel or of the port of landing;
   3.3. the tonnage by species to be transhipped or landed;
   3.4. the day of transhipment or landing;
   3.5. the destination of the transhipped or landed catches.

4. Transhipment or landing shall be considered as an exit from Senegalese waters. Vessels must submit their catch declarations to the competent Senegalese authorities and state whether they intend to continue fishing or to leave Senegalese waters.

5. Any transhipment or landing of catches not covered by the above provisions shall be prohibited in Senegalese waters. Any person infringing this provision shall be liable to the penalties provided for by Senegalese law in force.

Section 4: Satellite-based vessel monitoring system (VMS)

1. Vessel position messages – VMS system

   1. Union vessels holding a fishing authorization shall be equipped with a satellite monitoring system (Vessel Monitoring System – VMS) to enable automatic and continuous communication of their position, every two hours, to the fishing control centre (Fisheries Monitoring Centre – FMC) of their flag State.

   2. Each position message shall:

      i. contain
(a) the vessel identification
(b) the most recent geographical position of the vessel (longitude, latitude), with a position error of less than 500 metres, and with a confidence interval of 99%
(c) the date and time the position is recorded
(d) the speed and the course of the vessel

ii. be configured in accordance with the format given in Appendix 5 to this Annex.

3. The first position recorded after entry into the Senegalese zone shall be identified by the code “ENT”. All subsequent positions shall be identified by the code “POS”, with the exception of the first position recorded after exit from the Senegalese zone, which shall be identified by the code “EXI”.

4. The FMC of the flag State shall ensure the automatic processing and, if necessary, the electronic transmission of the position messages. The position messages shall be recorded in a secure manner and kept for a period of three years.

2. **Transmission by the vessel in the event of breakdown of the VMS**

1. The master shall ensure at all times that the VMS system of his vessel is fully operational and that the position messages are correctly transmitted to the FMC of the flag State.

2. In the event of breakdown, the VMS system of the vessel shall be repaired or replaced within one month. After that period, the vessel shall no longer be permitted to fish in the Senegalese fishing zones.

3. Vessels fishing in the Senegalese fishing zones with a defective VMS system must communicate their position messages by e-mail, radio or fax to the FMC of the flag State, at least every four hours, and must provide all the compulsory information detailed in paragraph 1.2.i of this Section.

3. **Secure communication of the position messages to Senegal**

1. The FMC of the flag State shall automatically send the position messages of the vessels concerned to the FMC of Senegal. The FMCs of the flag State and Senegal shall exchange their contact e-mail addresses and inform each other without delay of any change to these addresses.

2. The transmission of position messages between the FMCs of the flag State and Senegal shall be carried out electronically using a secure communication system.

3. The FMC of Senegal shall inform the FMC of the flag State and the EU of any interruption in the receiving of consecutive position messages from a vessel holding a fishing authorization, where the vessel concerned has not notified its departure from the zone.

4. **Malfunction of the communication system**

1. Senegal shall ensure the compatibility of its electronic equipment with that of the FMC of the flag State and inform the EU immediately of any malfunction as regards the sending
and receiving of position messages with a view to finding a technical solution as soon as possible.

2. The Joint Committee shall deal with any possible dispute arising.

3. The master shall be considered responsible for any proven tampering with a vessel’s VMS aimed at disturbing its operation or falsifying its position messages. Any infringement shall be subject to the penalties provided for by Senegalese legislation in force.

5. Revision of the frequency of position messages

1. On the basis of documentary evidence proving an infringement, Senegal may ask the FMC of the flag State, copying in the EU, to reduce the interval for sending position messages from a vessel to every thirty minutes for a set period of investigation.

2. This documentary evidence must be sent without delay by Senegal to the FMC of the flag State and the EU.

3. The FMC of the flag State shall immediately send the position messages to Senegal at the new frequency.

4. At the end of the set investigation period, Senegal shall inform the FMC of the flag State and the EU of any follow-up.

6. Validity of the VMS message in case of dispute

The position data supplied by the VMS system shall be authentic in case of dispute between the Parties.

Section 5: Observers

1. Observation of fishing activities

1.1. Vessels holding a fishing authorization shall be subject to a scheme for observing their fishing activities carried out within the framework of the Agreement.

1.2. For tuna vessels this observation scheme shall conform to the provisions provided for in the recommendations adopted by ICCAT (International Commission for the Conservation of Atlantic Tunas).

2. Designated vessels and observers

2.1. When the fishing authorization is issued, Senegal shall inform the EU and the vessel owner, or its consignee, of the designated vessels and observers and the times at which the observer will be present on board each vessel.

2.2. Senegal shall inform the EU and the vessel owner, or its consignee, of the name of the designated observer at the latest 15 days before the date provided for the embarkation of the observer. Senegal shall immediately inform the EU and the vessel owner or its consignee of any change in the designated vessels and observers.

2.3. Senegal shall endeavour not to designate observers for vessels which already have an observer on board, or which are already formally obliged to allow an observer to embark during the fishing season in question as part of their activities in fishing zones other than the Senegalese zones.
2.4. For deep-sea demersal trawlers the time on board shall not exceed two months. The observers shall not spend more time on board the vessel than is necessary to carry out their duties.

3. **Flat-rate financial contribution**

3.1. At the time the annual flat-rate fee is paid, owners of freezer tuna seiners and pole-and-line vessels shall also pay the DPSP a flat-rate sum of EUR 400 per vessel for the proper functioning of the observer programme.

3.2. At the time the quarterly flat-rate fee is paid, owners of trawlers shall also pay the DPSP a flat-rate sum of EUR 100 per vessel for the proper functioning of the observer programme.

4. **Observer’s salary**

The salary and social contributions of the observer shall be borne by Senegal.

5. **Embarkation conditions**

5.1. The embarkation conditions for the observer, in particular the duration of his presence on board, shall be defined by mutual agreement between the vessel owner or its consignee and Senegal.

5.2. The observer shall be treated on board as an officer. However, receiving the observer on board shall take into account the technical structure of the vessel.

5.3. The vessel owner shall bear the costs of providing accommodation and food for the observer on board.

5.4. The master shall take all the measures for which he is responsible to guarantee the physical safety and general wellbeing of the observer.

5.5. The observer shall be offered every facility needed to carry out his duties. He shall have access to means of communication and to documents relating to the fishing activities of the vessel, in particular the fishing logbook and navigation log, and the parts of the vessel directly linked to his duties.

6. **Observer’s obligations**

6.1. Whilst they are on board observers shall:

6.2. take all appropriate measures so as not to interrupt or hinder fishing operations;

6.3. respect on-board property and equipment;

6.4. respect the confidential nature of any document belonging to the vessel.

7. **Embarkation and landing of observers**

7.1. The observer shall embark in a port chosen by the vessel owner.

7.2. The vessel owner or his agent shall notify Senegal, with a notice period of 10 days before the embarkation, of the date, time and port of embarkation of the observer. If the observer is embarked in a foreign country, his travel costs to the port of embarkation shall be borne by the vessel owner.

7.3. If the observer does not present himself for boarding within 12 hours of the date and time set, the vessel owner shall be automatically discharged from his obligation to allow the observer to embark. The vessel shall be free to leave the port and start fishing operations.

7.4. Where the observer is not put ashore in a Senegalese port, the vessel owner shall bear the costs of the observer’s repatriation to Senegal as soon as possible.

8. **Observer’s obligations**
The observer shall carry out the following duties:

8.1. observe the fishing activities of the vessel;
8.2. verify the position of the vessel during fisheries operations;
8.3. perform biological sampling in the context of a scientific programme;
8.4. note the fishing gear used;
8.5. verify the catch data for the Senegalese fishing zones recorded in the logbook;
8.6. verify the percentages of by-catches and estimate the discarded catches;
8.7. communicate observations by radio, fax or e-mail at least once a week while the vessel is fishing in the Senegalese zones, including the quantity of catch and by-catch on board.

9. **Observer’s report**

9.1. Before leaving the vessel, the observer shall submit a report of his observations to the master of the vessel. The master of the vessel shall have the right to make comments in the observer’s report. The report shall be signed by the observer and the master. The master shall receive a copy of the observer’s report.

9.2. The observer shall send his report to Senegal, which shall send a copy of it to the EU within eight days of the observer’s disembarkation.

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**Section 6: Inspection at sea and in port**

1. **Inspection at sea**

1.1. Inspections at sea in the Senegalese fishing zones of Union vessels holding a fishing authorization shall be carried out by Senegalese vessels and inspectors who are clearly identified as being assigned to carry out fishing checks.

1.2. Before going on board, the Senegalese inspectors shall warn the EU vessel of their decision to carry out an inspection. The inspection shall be carried out by a maximum of two inspectors, who must provide proof of their identity and official position as an inspector before carrying out the inspection.

1.3. The Senegalese inspectors shall only stay on board the Union vessel for the time necessary to carry out tasks linked to the inspection. They shall carry out the inspection in a way which minimizes the impact on the vessel, its fishing activity and cargo.

1.4. Senegal may allow the EU to participate in the inspection at sea as an observer.

1.5. The master of the Union vessel shall allow the Senegalese inspectors to come on board and carry out their work.

1.6. At the end of each inspection, the Senegalese inspectors shall draw up an inspection report. The master of the Union fishing vessel shall have the right to comment in the inspection report. The inspection report shall be signed by the inspector drawing up the report and the master of the Union vessel.

1.7. The Senegalese inspectors shall issue a copy of the inspection report to the master of the Union fishing vessel before leaving the vessel. Senegal shall send a copy of the inspection report to the EU within eight days of the inspection.

2. **Inspection in port**
2.1. Inspections in port of Union fishing vessels which land or tranship catch from the Senegalese zone in the waters of a Senegalese port shall be carried out by designated inspectors.

2.2. The inspection shall be carried out by a maximum of two inspectors, who must provide proof of their identity and official position as an inspector before carrying out the inspection. The Senegalese inspectors shall only stay on board the EU vessel for the time necessary to carry out the tasks related to the inspection and shall conduct the inspection in such a way as to minimize the impact on the vessel, the landing or transhipment operation and the cargo.

2.3. Senegal may allow the EU to participate in the inspection in port as an observer.

2.4. The master of the Union fishing vessel shall allow the Senegalese inspectors to carry out their work.

2.5. At the end of each inspection, the Senegalese inspector shall draw up an inspection report. The master of the Union fishing vessel shall have the right to comment in the inspection report. The inspection report shall be signed by the inspector drawing up the report and the master of the Union vessel.

2.6. The Senegalese inspectors shall give a copy of the inspection report to the master of the Union fishing vessel at the end of the inspection. Senegal shall send a copy of the inspection report to the EU within eight days of the inspection.

Section 7: Infringements

1. Handling of infringements

1.1. Any infringement committed by a Union fishing vessel holding a fishing authorization in accordance with the provisions of this Annex must be mentioned in an inspection report. The report shall be sent to the EU and the flag State as soon as possible.

1.2. The signing of the inspection report by the master shall be without prejudice to the vessel owner’s right of defence in respect of an infringement.

2. Detention of a vessel – Information meeting

2.1. Where permitted under the Senegalese legislation in force regarding the infringement, any Union fishing vessel having committed an infringement may be forced to cease its fishing activity and, where the vessel is at sea, to return to the port of Dakar.

2.2. Senegal shall notify the EU within 24 hours of any detention of a Union fishing vessel holding a fishing authorization. That notification shall be accompanied by documentary evidence of the alleged infringement.

2.3. Before taking any measure against the vessel, the master, the crew or the cargo, with the exception of measures aimed at protecting evidence, Senegal shall organize, at the request of the EU, within one working day of notification of the detention of the vessel, an information meeting to clarify the facts which have led to the vessel being detained and to explain what further action may be taken. A representative of the flag State of the vessel may attend the information meeting.

3. Penalties for infringements – Compromise procedure

3.1. The penalty for the infringement shall be set by Senegal according to the national legislation in force.

3.2. Where settling the infringement involves legal proceedings, provided that the infringement does not involve a criminal act, a compromise procedure shall be undertaken between Senegal and the EU before such legal proceedings are launched in order to determine the
terms and level of the penalty. The compromise procedure shall finish at the latest three days after notification of the vessel’s detention.

3.3. A representative of the flag State of the vessel and of the EU may participate in the compromise procedure.

4. **Legal proceedings – Bank security**

4.1. If the compromise procedure fails and the infringement is brought before the competent court, the owner of the vessel which committed the infringement shall deposit a bank security at a bank designated by Senegal, the amount of which, as set by Senegal, shall cover the costs linked to the detention of the vessel, the estimated fine and any compensation. The bank security may not be recovered until the legal proceedings have been concluded.

4.2. The bank security shall be released and returned to the vessel owner without delay after the judgment has been delivered:

   a) in full, if no penalty has been imposed;

   b) for the amount of the remaining balance, if the penalty is a fine which is lower than the amount of the bank security.

4.3. Senegal shall inform the EU of the outcome of the legal proceedings within eight days of the judgment being delivered.

5. **Release of the vessel and the crew**

The vessel and its crew shall be authorized to leave the port once the penalty has been paid in a compromise procedure, or once the bank security has been deposited.

**Section 8: Participatory monitoring in the fight against IUU fishing**

1. **Objective**

In order to strengthen monitoring of fishing on the high seas and the fight against IUU fishing, Union fishing vessels shall report the presence of any vessels in the Senegalese fishing zones which are not on the list of vessels authorized to fish in Senegal.

2. **Procedure**

2.1. Where the master of a Union fishing vessel witnesses a fishing vessel engaged in activities which may constitute IUU fishing, he may seek as much information as possible about what has been sighted.

2.1. Sighting reports shall be sent without delay to the Senegalese authorities and to the competent authority of the flag State of the sighting vessel, which shall immediately transmit them to the European Commission or to the body designated by it.

2.2. The European Commission shall provide Senegal with this information.

3. **Reciprocity**

Senegal shall send the European Union, as soon as possible, any sighting reports it has on fishing vessels engaged in activities which may constitute IUU fishing in the Senegalese fishing zones.

**CHAPTER V – SIGNING-ON OF SEAMEN**

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1. Owners of Union fishing vessels operating under this Protocol shall employ ACP nationals, subject to the following conditions and limits:
   - for the fleet of tuna seiners, at least 20% of the seamen signed on during the tuna-fishing season in the Senegalese fishing zone shall be from Senegal or possibly from an ACP country;
   - for the fleet of pole-and-line vessels, at least 20% of the seamen signed on during the fishing season in the Senegalese fishing zone shall be from Senegal or possibly from an ACP country;
   - for the fleet of deep-sea demersal trawlers, at least 20% of the seamen signed on during the fishing season in the Senegalese fishing zone shall be from Senegal or possibly from an ACP country.

2. Vessel owners shall endeavour to sign on Senegalese seamen.

3. The International Labour Organization (ILO) Declaration on Fundamental Principles and Rights at Work shall apply as of right to seamen taken on board Union fishing vessels. This concerns in particular freedom of association, effective recognition of the right to collective bargaining, and elimination of discrimination in respect of employment and occupation.

4. The employment contracts of Senegalese and ACP seamen, a copy of which shall be given to the National Agency for Maritime Affairs and the signatories of the contracts, shall be drawn up between the vessel owners' agent(s) and the seamen and/or their trade unions or representatives. These contracts shall guarantee the seamen the social security cover applicable to them, in accordance with the applicable legislation, including life assurance and sickness and accident insurance.

5. The wages of the seamen from the ACP countries shall be paid by the vessel owners. They shall be fixed by mutual agreement between the vessel owners or their agents and the seamen and/or their trade unions or representatives. However, the wage conditions granted to the seamen shall not be lower than those applied to crews from their respective countries and shall, under no circumstances, be below ILO standards.

6. All seamen employed aboard Union fishing vessels shall report to the master of the vessel designated on the day before their proposed boarding date. Where a seaman fails to report at the date and time agreed for his boarding, the vessel owner shall be automatically absolved of his obligation to take the seaman on board.