

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(83) 11 final

Brussels, 20 January 1983

Proposal for a

COUNCIL REGULATION

on the conclusion of the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau, amending the Agreement on fishing off the coast of Guinea-Bissau, signed on 27 February 1980

(submitted to the Council by the Commission)

COM(83) 11 final

EXPLANATORY MEMORANDUM

The attached agreement represents the outcome of the negotiations with Guinea-Bissau on the extension of the fisheries agreement which has been in force since 27 February 1980.

The aim of this proposal is the definitive approval of the agreement already provisionally applied in accordance with Council Decision of 21 December 1982. (1)

The justification given in COM(82)832 are therefore valid for this proposal.

**Proposal for a
COUNCIL DECISION REGULATION**

on the conclusion of the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau, amending the Agreement on fishing off the coast of Guinea-Bissau, signed on 27 February 1980.

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

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

Whereas negotiations have taken place between the Community and Guinea-Bissau, in accordance with the second paragraph of Article 17 of the Agreement between the Government of the Republic of Guinea-Bissau and the European Economic Community on fishing off the coast of Guinea-Bissau (2), to determine the amendments or additions to be made to its Annex or to the Protocol referred to in Article 9 thereof;

Whereas, as a result of these negotiations, an Agreement amending the Agreement on fishing was signed on 19 November 1982;

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

(1) OJ N° C

(2) OJ N° L 226, 29.8.1980, p. 34

HAS ADOPTED THIS REGULATION :

Article 1

The Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau, amending the Agreement on fishing off the coast of Guinea-Bissau, signed on 27 February 1980, is hereby approved on behalf of the Community.

The text of the Agreement is annexed to this Regulation.

Article 2

The President of the Council shall give the notification provided for in Article 2 of the Agreement.

Article 3

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

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

Done at

For the Council

AGREEMENT

between the European Economic Community and the Government of the Republic of Guinea-Bissau amending the Agreement between the Government of the Republic of Guinea-Bissau and the European Economic Community on fishing off the coast of Guinea-Bissau

Article 1

I. The Protocol and Annex to the Agreement between the Government of the Republic of Guinea-Bissau and the European Economic Community on fishing off the coast of Guinea-Bissau are hereby replaced by the following Protocol and Annexe :

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PROTOCOL

Between the European Economic Community and the Government of the Republic
of Guinea-Bissau

THE PARTIES TO THIS PROTOCOL,

Having regard to the Agreement between the European Economic Community and the
Government of the Republic of Guinea-Bissau on fishing off the coast of
Guinea-Bissau, signed in Brussels on 27 February 1980,

HAVE AGREED AS FOLLOWS :

Article 1

This Protocol shall cover fishing activities extending over a period of three years from the date of its entry into force in 1983.

The limits referred to in Article 4 shall be as follows for each of this period:

1. Bottom trawlers :

7.500 grt. During each year of application, a proportion of this tonnage may be used in such a way that its equivalent, in terms of an annual average, does not exceed 3.500 grt.

2. 25 freezer tuna vessels (900 grt on average)

3. 25 wet pole-and-line tuna vessels (130 grt on average).

Article 2

1. The compensation referred to in Article 9 of the Agreement shall be, for the period referred to in Article 1, 4.275.000 ECU, namely 1.425.000 ECU for each year of application of this Protocol.

2. This compensation shall also cover the sums due for the interim arrangement periods agreed since 1 March 1982.

Article 3

1. The use to which the compensation provided for in Article 2 is put shall be the sole responsibility of the Government of Guinea-Bissau.

2. The Government of Guinea Bissau shall inform the Community of the programme for the use of the compensation.

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Article 4

1. The compensation shall be mobilized in three equal annual instalments.
2. The compensation money shall be paid into an account opened with a financial institution chosen by the Government of Guinea-Bissau.

Article 5

The Community shall also, for the period referred to in Article 1, contribute a maximum of 250.000 ECU towards the financing of a Guinea-Bissau scientific programme to improve information on the fishery resources within the fishing zone of the Republic of Guinea-Bissau.

Article 6

If the Community fails to make the payments provided for in this Protocol, the Agreement on fishing shall be suspended.

Article 7

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

ANNEX

Conditions for the pursuit of fishing activities in Guinea-Bissau's fishing zone by vessels flying the flags of Member States of the Community

A. Licence application and issuing formalities

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

The relevant Community authorities shall present to the Office of the Secretary of State for Fisheries of the Republic of Guinea-Bissau, via the Delegation of the Commission of the European Communities in Guinea-Bissau, an application for each vessel that wishes to fish under this Agreement, at least thirty days before the date of commencement of the period of validity requested.

The applications shall be made on the forms provided for that purpose by the Government of the Republic of Guinea-Bissau. A specimen is given under A.1 below.

1. Provisions applicable to trawlers

- a) Applications shall be accompanied by proof of a banker's guarantee covering an amount equal to the fee due for each licence, which shall be forfeited to secured by the Guinea-Bissau authorities if the licence is not used.

b) Notwithstanding , Article 4 (3) of the Agreement, licences may be issued as follows :

- (I) for the 3.500 grt that may be used on annual average basis : for periods comprising whole months, and not less than three calender months, the period in question to be stated when the licence application is submitted;
- (II) for the remaining 4.000 grt : for periods is of one calender year or half a calendar year; a single application may cover several vessels of the same category wishing to fish during consecutive periods of at least three months.

c) (I) the fees for the tonnage referred to in (b) (I) shall be set at 120 ECU/grt per year.

(II) the fees for the tonnage referred to in (b) (II) shall be set at 100 ECU/grt per year.

Notwithstanding Article 5 (2) of the Agreement, the fees may, at the shipowner's request, be paid quarterly or half-yearly, in which case they shall be increased respectively by 5% and 3%.

d) As from a date to be determined and on the basis of conditions to be determined wittin the Joint Committee, the payment of fees may be replaced wholly or in part by him supply of fish.

2. Provisions applicable to tuna boats

a) The fees shall be set at 20 ECU per tonne fished within Guinea-Bissau's fishing zone.

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b) Applications for licences for each of the categories of tuna boats shall be forwarded following payment of an overall lump-sum equivalent to the fees for :

900 tonnes of tuna fished per year in the case of freezer tuna boats,
100 tonnes of tuna fished per year in the case of pole-and-line tuna vessels,
and the production of a banker's guarantee covering the payment of any additional amount due should annual catches exceed this quantity. The quantities fished shall be determined in accordance with the statistics drawn up by the International Commission for the Conservation of Atlantic Tuna (ICCAT).

In the case of landings agreed under Article 8 of the Agreement, lower fees will be fixed within the Joint Committee.

3. The relevant authorities of Guinea-Bissau shall examine each application to see that it complies with the Agreement and with the legislation of Guinea-Bissau and shall apply the scale of fees to be paid.

The relevant authorities of Guinea-Bissau shall inform the Community authorities of their decisions.

4. Should there be any difficulties or additional information needed when applications are examined and licences issued, consultations shall be held between the representatives of the Contracting Parties, in particular through the Office of the Secretary of State for Fisheries and the Delegation of the Commission of the European Communities in Guinea-Bissau.

B. Statement of catch

1. All vessels authorized to fish in Guinea-Bissau's waters under this Agreement shall be obliged to forward to the Office of the Secretary of State for Fisheries a statement of their catch made out according to the specimen given under B. 1 below.

A statement of catch must be drawn up for each month and presented at least once every three months.

Should this provision not be adhered to, the Government of Guinea-Bissau reserves the right to suspend the licence of the offending vessel until the formality has been accomplished.

- 2. Any Community vessel fishing in Guinea-Bissau's fishing zone shall allow on board, and assist in the accomplishment of his duties, any official of Guinea-Bissau responsible for inspecting and monitoring compliance with the provisions of this Agreement.

C. Training grants

The two Parties agree that an essential condition for the success of their cooperation is that the competence and know-how of persons engaged in sea fishing should be improved. To this end, the Community shall make it easier for nationals of Guinea-Bissau to find places in establishments in its Member States and shall provide for that purpose, in the various scientific, technical and economic subjects connected with fisheries, ten study and training grants for three years periods or the equivalent for one-year periods.

REPUBLIC OF GUINEA BISSAU
OFFICE OF THE SECRETARY OF STATE FOR FISHERIES

APPLICATION FOR A FISHING LICENCE (1)

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

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

Date of application:

(1) The original application form is issued in French and Portuguese only.

OFFICE OF THE SECRETARY OF STATE FOR FISHERIES

STATISTICS ON CATCH AND ACTIVITY

Month:

Year:

Name of vessel:	
Nationality (flag):	

Engine rating:	
Gross registered tonnage:	

Fishing method:	
Port of land.ing:	

Date	Fishing zone		Number of fishing operations	Number of fishing hours	Species of fish						
	Longitude	Latitude								Other	Totals
1/											
2/											
3/											
4/											
5/											
6/											
7/											
8/											
9/											
10/											
11/											
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31/											

INSTRUCTIONS FOR FILLING IN THE LOG-BOOK

Each ship's master shall be responsible for the information supplied every month to the Office of the Secretary of State for Fisheries. He shall fill in this log-book in a spirit of frank cooperation.

The following information is requested:

1. Month: _____ Year: _____
2. Name of vessel:
Nationality (flag): _____
3. Engine rating in HP:
Gross registered tonnage (GRT): _____
4. Fishing method (gear):
Port of landing: _____

The statistical table of catches and fishing activity is divided into two parts.

The first part shows the daily fishing activity (each horizontal line corresponds to a day's activity). The first page should be used for the first half of the month and the second page for the last half.

The master should indicate the fishing zone by noting the latitude and longitude. He should note the number of times the net is thrown per day. He should give the total number of fishing hours for each day.

The second part of the log is for information on catches, in kilograms or in tonnes. It should be clearly stated whether the figure is in kilograms or tonnes. There are seven columns, one for each species. Only the six most important species fished should be entered in the log. The column before the total (headed 'other') should be reserved for the sum of all other species fished.

The monthly logs, once filled in, should be sent every month to the Office of the Secretary of State for Fisheries for those vessels landing their catches in Bissau. For other vessels, the monthly logs should be sent, duly filled in, to the Office of the Secretary of State for Fisheries every three months.

II. The following paragraph 3 shall be inserted in the Agreement in the form of an exchange of letters between the Government of the Republic of Guinea-Bissau and the European Economic Community on fishing off the coast of Guinea-Bissau :

"3. Eight Guinea-Bissau seamen shall be taken on board the wet tuna vessel fleet during the tuna fishing season in Guinea-Bissau waters under conditions to be determined within the Joint Committee."

Article 2

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

FINANCIAL STATEMENT

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Date :

1. BUDGET HEADING : 422 APPROPRIATIONS 1

2. TITLE : Agreement on fishing between the EEC and Guinea-Bissau

3. LEGAL BASIS : Article 17 of the EEC - Guinea-Bissau Agreement on fishing and attached protocol

4. AIMS OF PROJECT : - financial compensation - fishing rights 1983 - 85
 - financing of Guinean scientific programme
 - EEC study and training grants

5. FINANCIAL IMPLICATIONS	PERIOD OF 12 MONTHS	CURRENT FINANCIAL YEAR	FOLLOWING FINANCIAL YEAR	
5.0 EXPENDITURE - CHARGED TO THE EC BUDGET (REFUNDS/INTERVENTIONS) XXXXXXXXXXXX =====				
5.1 XXXXXXXXXXXX CONTRIBUTION OF THE EC XXXXXXXXXXXX -XXXXXXXX				
1983.....1984.....1985.....
5.0.1 ESTIMATED EXPENDITURE 5.1.1 ESTIMATED RECEIPTS	1 598 334	1 598 334	1 598 334	

5.2 METHOD OF CALCULATION - annual financial compensation (Article 2 of the draft Protocol) 1 425 000 ECU from 1 January 1983 i.e. 4 275 000 ECU until 31 December 1985

- financing of a Guinean scientific programme : 250 000 ECU for three years i.e. 83 333 33 ECU per year
- 10 study and training awards for three-year periods About 9 000 ECU annually for each award i.e. 90 000 ECU per year and a total of 270 000 ECU for three years

- 6.0 CAN THE PROJECT BE FINANCED FROM APPROPRIATIONS ENTERED IN THE RELEVANT CHAPTER OF THE CURRENT BUDGET ? YES/ NO
- 6.1 CAN THE PROJECT BE FINANCED BY TRANSFER BETWEEN CHAPTERS OF THE CURRENT BUDGET ? YES/ NO
- 6.2 WILL A COMPLEMENTARY BUDGET BE NECESSARY ? YES/ NO
- 6.3 WILL FUTURE BUDGET APPROPRIATIONS BE NECESSARY ? YES/ NO

OBSERVATIONS :

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