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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 1493/88

of 3 May 1988

on the conclusion of the Protocol setting out the fishing rights and financial compensation provided for in the Agreement between the Government of the Republic of Senegal and the European Economic Community on fishing off the coast of Senegal for the period from 29 February 1988 to 28 February 1990

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 Act of Accession of Spain and Portugal, and in particular Article 155 (2) (b) thereof,

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

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

Whereas pursuant to the second paragraph of Article 17 of the Agreement between the Government of the Republic of Senegal and the European Economic Community on fishing off the coast of Senegal ⁽³⁾, as last amended by the Agreement of 20 November 1985 ⁽⁴⁾, the two Parties entered into negotiations to determine the amendments or additions to be made to the Agreement on the expiry of the application period of the Protocol;

Whereas, as a result of these negotiations, a Protocol setting out the fishing rights and financial compensation provided for in the said Agreement for the period from 29 February 1988 to 28 February 1990 was initialled on 28 January 1988;

Whereas, under Article 155 (2) (b) of the Act of Accession, the Council is required to determine the procedures appropriate to take into consideration all or part of the interests of the Canary Islands when it adopts decisions, case by case, with a view to the conclusion of fisheries agreements with third countries; whereas the said procedures need to be determined in this particular case;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Protocol setting out the fishing rights and financial compensation provided for in the Agreement between the Government of the Republic of Senegal and the European Economic Community on fishing off the coast of Senegal for the period from 29 February 1988 and 28 February 1990 is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Regulation.

Article 2

To take into consideration the interests of the Canary Islands, the Protocol referred to in Article 1 and, to the extent necessary for its implementation, the provisions of the common fisheries policy on the conservation and management of fishery resources shall also apply to vessels sailing under the flag of Spain which are recorded on a permanent basis in the registers of the competent authorities at local level (*registros de base*) in the Canary Islands, under the conditions defined in Note 6 of Annex I to Council Regulation (EEC) No 1135/88 of 7 March 1988 concerning the definition of the concept of 'originating products' and methods of administrative cooperation in the trade between the customs territory of the Community, Ceuta and Melilla and the Canary Islands ⁽⁵⁾.

⁽¹⁾ OJ No C 81, 29. 3. 1988, p. 3.

⁽²⁾ OJ No C 122, 9. 5. 1988.

⁽³⁾ OJ No L 226, 29. 8. 1980, p. 17.

⁽⁴⁾ OJ No L 361, 31. 12. 1985, p. 87.

⁽⁵⁾ OJ No L 114, 2. 5. 1988, p. 1.

Article 3

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

Article 4

This Regulation shall enter into force on the third day following that of 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 Brussels, 3 May 1988.

For the Council
The President
M. BANGEMANN

PROTOCOL

setting out the fishing rights and financial compensation provided for in the Agreement between the Government of the Republic of Senegal and the European Economic Community on fishing off the coast of Senegal for the period from 29 February 1988 to 28 February 1990

THE PARTIES TO THIS PROTOCOL,

Having regard to the Agreement between the Government of the Republic of Senegal and the European Economic Community on fishing off the coast of Senegal, signed on 15 June 1979, as amended by the Agreement signed on 21 January 1982 and the Agreement signed on 20 November 1985,

Having regard to the Protocol setting out the fishing rights and financial compensation provided for in the said Agreement for the period from 1 October 1986 to 28 February 1988,

HAVE AGREED AS FOLLOWS:

Article 1

From 29 February 1988, for a period of two years, the limits referred to in Article 4 (2) of the Agreement shall be set as follows:

1. Wet trawlers (inshore demersal fishing) landing and selling their entire catch in Senegal:

(a) shrimp: — GRT/year;

(b) fish and cephalopods: 250 GRT/year.

2. Wet trawlers (inshore demersal fishing) not landing their catch in Senegal:

(a) shrimp: — GRT/year;

(b) fish and cephalopods: 3 000 GRT/year.

3. Ocean-going wet fish trawlers (demersal) not landing their catch in Senegal: 6 000 GRT/year.

4. Freezer trawlers (inshore demersal fishing) landing and selling part of their catch in Senegal:

(a) shrimp: 3 000 GRT/year;

(b) fish and cephalopods: 8 000 GRT/year.

5. Freezer trawlers (inshore demersal fishing) landing part of their catch in Senegal and fishing over a four-month period specified for each vessel in an overall fishing plan to be notified to the Senegalese Government by the Community every six months:

(a) shrimp: 1 250 GRT over the tonnage specified in point 4;

(b) fish and cephalopods: 3 000 GRT over the tonnage specified in point 4.

6. Ocean-going shrimp freezer trawlers (demersal) not landing their catch in Senegal: 10 000 GRT/year.

7. Tuna vessels landing all their catch in Senegal: 18 vessels.

8. Freezer tuna seiners landing part of their catch in Senegal: 48 vessels.

9. Surface longliners: 35 vessels.

Article 2

1. The financial compensation referred to in Article 9 of the Agreement shall be set at 22 900 000 ECU for the period referred to in Article 1.

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

Article 3

In addition, during the period referred to in Article 1, the Community shall contribute the sum of 550 000 ECU to the financing of Senegal's scientific programme. This sum shall

be made available to the Centre de Recherches Océanographiques de Dakar-Thiaroye (CRODT), which comes under the Institut Sénégalais de Recherche Agricole (ISRA).

Article 4

The two Parties agree that an essential factor for the success of their cooperation is that the competence and know-how of persons engaged in sea fishing should be improved. To this end, the Community will make it easier for nationals of Senegal to find places in establishments in its Member States and shall provide for that purpose, during the period referred to in Article 1, study and training awards totalling 660 months in various scientific, technical and economic subjects connected with fisheries. The total amount of these awards must not exceed 550 000 ECU, however. The awards may also be used in Senegal or in any other State linked to the Community by a cooperation agreement.

Article 5

Failure by the Community to pay the sums referred to in Articles 2, 3 and 4 of this Protocol may result in the suspension of the fisheries Agreement.

Article 6

Annex I to the Agreement between the Government of the Republic of Senegal and the European Economic Community on fishing off the coast of Senegal, signed on 15 June 1979, is hereby repealed and replaced by Annex I hereto.

Article 7

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

It shall apply with effect from 29 February 1988.

ANNEX I

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

A. Application for and issue of licences

The procedure for applications for and the issue of the licences allowing vessels flying the flag of a Member State of the Community to fish in Senegalese waters shall be as follows:

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

That application, accompanied by a tonnage certificate, shall be made on the forms provided for that purpose by the Government of Senegal, a specimen of which is attached hereto.

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

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

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

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

Inshore freezer trawlers fishing demersal species may, within the limits laid down in the Protocol setting out fishing rights and financial compensation, obtain special licences valid for four months.

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

(A) Fees for trawlers

1. Wet trawlers (inshore demersal fishing) landing and selling their entire catch in Senegal:
 - (a) shrimp CFAF 25 000 GRT/year;
 - (b) fish and cephalopods CFAF 15 000 GRT/year.
2. Wet trawlers (inshore demersal fishing) not landing their catch in Senegal:
 - (a) shrimp CFAF 50 000 GRT/year;
 - (b) fish and cephalopods CFAF 40 000 GRT/year.
3. Ocean-going wet fish trawlers (demersal) not landing their catch in Senegal: CFAF 20 000 GRT/year.
4. Freezer trawlers (inshore demersal fishing) landing and selling part of their catch in Senegal:
 - (a) shrimp CFAF 40 000 GRT/year;
 - (b) fish and cephalopods CFAF 30 000 GRT/year.

5. Freezer trawlers (inshore demersal fishing) landing part of their catch in Senegal and fishing over a four-month period specified for each vessel in an overall fishing plan to be notified to the Senegalese Government by the Community every six months:

- (a) shrimp CFAF 25 000 GRT/four months;
- (b) fish and cephalopods CFAF 20 000 GRT/four months.

6. Ocean-going shrimp freezer trawlers (demersal) not landing their catch in Senegal: CFAF 30 000 GRT/year.

(B) *Fees for tuna vessels and longliners*

1. Tuna vessels landing all their catch in Senegal: CFAF 2/kilogram of fish caught in Senegal's EEZ.
2. Freezer tuna seiners landing part of their catch in Senegal: CFAF 7/kilogram of fish caught in Senegal's EEZ.
3. Surface longliners: CFAF 15/kilogram of fish caught in Senegal's EEZ.

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

A statement of the fees due for the fishing year shall be drawn up by the Commission of the European Communities on the basis of catch statements made by the shipowners and a verification of the volume of catch made by the Centre de Recherches Océanographiques de Dakar-Thiaroye (CRDOT). The statement shall be forwarded to the Senegalese authorities and notified to the shipowners who shall have 30 days to discharge their financial obligations *vis-à-vis* the Receveur des Domaines.

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

B. *Statements of catch*

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

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

C. *Landing of catch*

- (a) 1. Freezer trawlers (inshore demersal fishing) shall land, for local market prices, 130 kilograms of fish and crustaceans per GRT every half-year.
2. These landings may be made individually or collectively.

Any failure to comply with the requirement to land catches shall render the shipowner liable to the following sanctions on the part of the Senegalese authorities:

- a fine of CFAF 300 000 for each tonne not landed in the case of inshore demersal fishing trawlers,
- withdrawal and non-renewal of the licence of the vessel concerned or another vessel of the same shipowner.

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

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

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

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

- (c) Freezer tuna vessels shall land 11 000 tonnes of tuna a year at the prevailing international price and in accordance with a programme to be established by agreement between Community shipowners and Senegalese canners. In the event of disagreement on the timetable for landings, the Joint Committee referred to in Article 11 of the Agreement shall hold a special meeting at the request of either of the Parties.

D. Signing-on of seamen

1. Trawlers authorized to fish in Senegalese waters under the Agreement are required to take on 33 % of their crew in the form of Senegalese seamen.

This percentage includes the observer or seaman/observer referred to in point H of this Annex and possibly a Senegalese national with the qualification of first mate or second engineer, should the vessel carry at least three officers on the bridge or in the engine room.

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

2. In the case of freezer trawlers, the overall requirement to take on board seamen shall be established on the basis of the scale of activity in Senegal's fishing zone and the employment of crew from other countries, the fisheries of which are frequented by that fleet.

E. Special equipment and supplies and services

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

F. Fishing zones

1. Wet trawlers (coastal demersal species) of less than 300 GRT and inshore freezer trawlers (demersal species) of less than 250 GRT shall be authorized to fish:

- (a) from six nautical miles off the baselines between the Senegal-Mauritania border and the latitude of Cape Manuel (14°36' 00" N);
- (b) from seven nautical miles off the baselines between the latitude of Cape Manuel (14°36' 00" N) and the northern Senegal-Gambia border;
- (c) from six nautical miles off the baselines between the northern Senegal-Gambia border and the Senegal-Guinea Bissau border.

2. Wet trawlers (inshore demersal fishing) of more than 300 GRT and freezer trawlers (inshore demersal fishing) of more than 250 GRT shall be authorized to fish beyond 12 nautical miles from the baselines of the waters under Senegal's jurisdiction.

3. Ocean-going trawlers for demersal species shall be authorized to fish:

- (a) from 12 nautical miles off the baselines between the Senegal-Mauritania border and latitude 15°00' N;
- (b) from six nautical miles off the baselines between latitude 15°00' N and the latitude of Portudal (14°27' 00" N);
- (c) from 25 nautical miles off the baselines between the latitude of Portudal (14°27' 00" N) and the northern Senegal-Gambia border;
- (d) from 35 nautical miles off the baselines between the southern Senegal-Gambia border and the Senegal-Guinea Bissau border.

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

G. Radio communications

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

H. Observers

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

A deposit equivalent to 60 days' activity at sea shall be lodged before the boarding of the observer or seaman/observer. Settlement is to be made after each voyage.

I. Authorized mesh

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

- purse seines with live bait: 16 mm
- standard otter trawls (fish or cephalopods): 70 mm
- standard otter trawls (black hake): 60 mm
- coastal shrimp trawls: 50 mm
- deep-sea shrimp trawls: 40 mm.

In the case of tuna, the international standards recommended by the ICCAT are to be applied.

REPUBLIC OF SENEGAL

ONE PEOPLE — ONE AIM — ONE FAITH

MINISTRY FOR RURAL DEVELOPMENT

SECRETARIAT OF STATE
FOR ANIMAL RESOURCES

DIRECTORATE OF OCEANOGRAPHY
AND MARITIME FISHING

APPLICATION
FORM FOR A
FISHING LICENCE

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

APPLICANT

Name of firm:

Trade register No:

Name and first name of applicant:

Date and place of birth:

Occupation:

Address:

No of employees:

Name and address of co-signatory:

VESSEL

Type of vessel: Registration No:

New name: Former name:

Date and place of construction:

Original nationality:

Length: Beam: Hold:

Gross tonnage: Net tonnage:

Type of building materials:

Make of main engine: Type: Rating:

Propeller: Fixed ☐ Variable ☐ Ducted ☐

Transit speed:

Call sign: Call frequency:

List of sounding, navigating and transmission instruments

Radar ☐ Sonar ☐ Netsonde ☐VHF ☐ SSB ☐ Satellite navigations ☐ Other

No of seamen:

CONSERVATION

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

Total refrigerating power:

Freezing capacity in tonnes/24 hours:

Hold capacity:

TYPE OF FISHING

A. Demersal

Inshore demersal ☐ Deep-sea demersal ☐

Type of trawl: ☐
Cephalopods ☐ Shrimps ☐ Fish ☐

Length of trawl: Headline:

Mesh size in the body:

Mesh size in the wings:

Speed of trawling:

B. Deep-sea pelagic (tuna)

Pole and line ☐ No of poles and lines ☐

Seine ☐ Length of net: Depth of net:

No of tanks: Capacity in tonnes:

C. Longlines and pots

Surface ☐ Bottom ☐

Length of lines: No of hooks:

No of lines:

No of pots:

SHORE INSTALLATIONS

Address and permit No:

Name of firm:

Activities:

Domestic wholesale fish trade ☐Export ☐

Type and No of wholesale trader's card:

Description of processing and conservation plant:

.....

.....

.....

.....

.....

No of employees:

Technical remarks of the Director of Fisheries

Authorization of the State Secretariat for Animal Resources

STATEMENT OF DAILY CATCH BY SARDINE VESSELS AND PELAGIC TRAWLERS

NAME OF VESSEL: Date: .. / .. /
 TYPE: Wet or freezer day/ month/ year

Species	Haul No													
	1		2		3		4		5		6		7	
	Kept	Thrown back	Kept	Thrown back	Kept	Thrown back	Kept	Thrown back	Kept	Thrown back	Kept	Thrown back	Kept	Thrown back
1.														
2.														
3.														
4.														
5.														
6.														
7.														
8.														
9.														
Total														
Fishing zone														
Sounder														
Duration of fishing operation														

TYPE OF FISHING (long lines or pots):

[illegible]

STATEMENT OF CATCH BY BOTTOM TRAWLERS

Voyage from to

NAME OF VESSEL:

TYPE: Wet or freezer

NATIONALITY:

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

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

STATEMENT OF CATCH BY TUNA VESSELS

Voyage from to

NAME OF VESSEL:

TYPE: Pole and line or seine

NATIONALITY:

Catch from Senegal's economic zone

(in tonnes)

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

COUNCIL REGULATION (EEC) No 1494/88

of 3 May 1988

on the conclusion of the Agreement between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off Comoros

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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

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

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

Whereas the Community and the Islamic Federal Republic of the Comoros have negotiated and initialled an Agreement on fishing off Comoros; whereas this provides fishing opportunities for Community fishermen in waters over which Comoros has sovereignty or jurisdiction;

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

Article 1

The Agreement on fishing between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off Comoros is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Regulation.

Article 2

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

Article 3

This Regulation shall enter into force on the third day following that of 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 Brussels, 3 May 1988.

For the Council

The President

M. BANGEMANN

⁽¹⁾ OJ No C 73, 19. 3. 1988, p. 6.

⁽²⁾ OJ No C 122, 9. 5. 1988.

AGREEMENT

between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off Comoros

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

THE ISLAMIC FEDERAL REPUBLIC OF THE COMOROS, hereinafter referred to as 'Comoros',

CONSIDERING the spirit of cooperation resulting from the ACP—EEC Convention and the good relations between the Community and Comoros,

CONSIDERING the desire of Comoros to promote the rational exploitation of its fishery resources by means of closer cooperation,

RECALLING that, in respect of sea fishing, Comoros exercises its sovereignty or jurisdiction over a zone extending 200 nautical miles from its coast,

TAKING into account the United Nations Convention on the Law of the Sea, signed by both Parties,

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

DESIROUS of establishing the terms and conditions governing fishing activities of common interest to both Parties,

HAVE AGREED AS FOLLOWS:

Article 1

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

Article 2

Comoros shall authorize Community vessels to fish in Comorian waters in accordance with the terms of this Agreement.

Article 3

1. The Community undertakes to take all appropriate steps to ensure that its vessels adhere to the provisions of this Agreement and the laws governing fishing activities in Comorian waters in accordance with the provisions of the United Nations Convention on the Law of the Sea and other rules of international law and practice.

2. The Comorian authorities shall notify the Commission of the European Communities in advance of proposed changes to the said laws.

Article 4

1. Under this Agreement the fishing activities of Community vessels in Comorian waters shall be subject to possession of a fishing licence issued by the Comorian authorities at the Community's request.

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

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

Article 5

Without prejudice to their respective rights, the Parties undertake to coordinate either directly or within international organizations their efforts to ensure the management and conservation of the living resources of the Indian Ocean, especially highly migratory species, and to facilitate the relevant scientific research.

Article 6

In return for the fishing opportunities accorded pursuant to Article 2, the Community shall make a financial

contribution to Comoros, in accordance with the provisions for payment and compensation stipulated in the Protocol and without prejudice to the financing received by Comoros under the ACP—EEC Convention.

Article 7

1. Without prejudice to the exercise by Comoros of sovereignty or jurisdiction over its waters, the Parties agree to consult over questions arising in connection with the implementation and proper working of this Agreement. To this end a Joint Committee is hereby established. It shall meet at the request of either Contracting Party.

2. In the event of any dispute over the interpretation or application of this Agreement, consultations shall be held between the Parties.

Article 8

Nothing in this Agreement shall affect or prejudice in any manner the views of either Party with respect to any question relating to the Law of the Sea.

Article 9

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 Islamic Federal Republic of the Comoros.

Article 10

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

Article 11

1. Should the Comorian authorities decide, in the light of the state of stocks, to take conservation measures which affect the activities of Community vessels, consultations shall be held between the Parties with a view to amending the Protocol.

2. Any conservation measures taken by the Comorian authorities shall be based on objective scientific criteria and shall apply equally to Community vessels and those of third countries, without prejudice, however, to agreements concluded between developing countries within the same geographical area, including reciprocal fisheries agreements.

Article 12

This Agreement shall be concluded for an initial period of three years commencing from the date of its entry into force. Unless either Party gives notice of termination at least six months before the expiry of the three-year period, it shall remain in force for additional periods of two years, provided it has not been denounced at least three months before the expiry of each such two-year period. At the end of the initial three-year period and thereafter at the end of each two-year period, the Contracting Parties shall enter into negotiations to establish by agreement what amendments or additions to the Annex or Protocol are required. Negotiations shall also be held if one of the Parties gives notice of denunciation.

Article 13

This Agreement, drawn up in duplicate in the Danish, Dutch, English, French, German, Greek, Italian, Portuguese and Spanish languages, each of these texts being equally authentic, shall enter into force on the date of its signing.

ANNEX

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

1. Application for and issue of licences

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

- (a) the Commission of the European Communities, through its representative of the Commission in Comoros, shall submit to the Comorian fishing authorities at least 20 days before the date of commencement of the period of validity requested, an application in respect of each vessel wishing to fish under this Agreement, drawn up by the owner. The applications shall be made on the forms provided for that purpose by Comoros, a specimen of which is attached;
- (b) licences are issued to a shipowner for a specific vessel. At the request of the Commission of the European Communities, a licence issued for one vessel may, in a case of *force majeure*, be replaced by a licence issued for another Community vessel;
- (c) the licence shall be delivered by the Comorian authorities to the representative of the Commission of the European Communities in Comoros;
- (d) licences must be held on board at all times;
- (e) before the entry into force of the Agreement the Comorian authorities shall communicate the arrangements for payment of the licence fees, in particular the details of the bank accounts and the currencies to be used.

2. Validity of licences and payment of fees

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

Licences shall be issued following advance payment to Comoros of a lump sum of 1 000 ECU a year for each tuna seiner, equivalent to fees for a catch of 50 tonnes of tuna a year in Comorian waters.

A provisional statement of the fees due for the fishing year shall be drawn up by the Commission of the European Communities at the end of each calendar year on the basis of the catch statements made by the shipowners and forwarded simultaneously to the Comorian authorities and the Commission of the European Communities. The corresponding amount shall be paid by the shipowners to the Comorian Treasury no later than 31 March of the following year. The final statement of the fees due shall be drawn up by the Commission of the European Communities, which shall take into account any comments made by the Comorian authorities, available scientific opinion and any statistical data concerning the Indian Ocean which may be gathered by an international Fisheries organization.

Shipowners shall be notified by the Commission of the statement and shall have 30 days to discharge their financial obligations. Where the sum due for actual fishing operations is less than the advance payment, the shipowner will not be reimbursed the corresponding residual amount.

3. Observers

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

4. Radio communications

Vessels engaged in fishing activities in Comorian waters shall communicate their position and catches to the Comorian authorities every three days and shall notify the result of their catches at the end of each trip.

The Comorian authorities shall notify the Commission of the European Communities of the name, call sign and frequency of the relevant radio station.

5. Fishing zones

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

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

6. Ownership of rare species

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

LICENCE APPLICATION FORM FOR A FOREIGN FISHING VESSEL

Name of applicant:

Address of applicant:

.....

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

.....

Name and address of representative (agent) in Comoros:

.....

Name of vessel:

Type of vessel:

Country of registry:

Port and registration number:

Vessel's external identification:

Radio call sign and frequency:

Length of vessel:

Width of vessel:

Engine type and horse power:

Gross registered tonnage of vessel:

Net registered tonnage of vessel:

Minimum crew:

Type of fishing:

Proposed catch species:

.....

Period of validity requested:

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

Date: Signature:

PROTOCOL

setting out the fishing opportunities and financial compensation provided for under the Agreement between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off Comoros

Article 1

1. For a period of three years from the entry into force of the Agreement, licences to fish in Comorian waters, to run concurrently, shall be granted pursuant to Article 2, to 40 ocean-going freezer tuna vessels.
2. In addition, a number of authorizations may be granted at the Community's request for other categories of fishing vessel on terms to be established by the Joint Committee referred to pursuant to Article 7 of the Agreement.

Article 2

1. Until more knowledge is obtained about the fishery resources in Comorian waters, and without prejudice to future arrangements, the financial compensation referred to in Article 6 shall be subject to the following rules.

The financial compensation referred to in Article 6 of the Agreement shall be set at a flat rate of 900 000 ECU for the duration of this Protocol, to be paid in three equal annual instalments. This sum covers annual catches of 6 000 tonnes. If the quantity of tuna caught by Community vessels in Comorian waters exceeds this weight, the said sum shall be increased proportionally.

2. The use to which this compensation is put shall be the sole responsibility of the Government of the Islamic Federal Republic of the Comoros.

Article 3

1. The Community shall also contribute during the period referred to in Article 1 to the financing of Comorian scientific and technical programmes (equipment, infrastructure, improved administrative structures, fisheries-related training, etc.) to increase the knowledge of the fishery resources in Comorian waters.
 2. This contribution shall be 500 000 ECU for the duration of this Protocol.
 3. The competent Comorian authorities shall send the Commission a brief report on the way this money has been spent.
 4. The Community's contribution to the scientific and technical programmes shall be paid on each occasion into an account specified by the Ministry of Production, Rural Development, Industry and Crafts.
-

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 16 May 1988

on the conclusion of the European Convention for the Protection of Animals for Slaughter

(88/306/EEC)

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 ⁽¹⁾,

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

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas the Council adopted Directive 74/577/EEC on the stunning of animals before slaughter ⁽⁴⁾, Directive 64/433/EEC on health problems affecting intra-Community trade in fresh meat ⁽⁵⁾, as last amended by Directive 86/587/EEC ⁽⁶⁾, and in particular Annex I, Chapter I, point 13 (a) thereto, and Directive 71/118/EEC on health problems affecting trade in fresh poultrymeat ⁽⁷⁾, as last amended by Regulation (EEC) No 3768/85 ⁽⁸⁾, and in particular Annex I, Chapter IV, point 20 thereto;

Whereas the European Convention for the Protection of Animals for Slaughter, hereinafter referred to as

'the Convention', was drawn up within the Council of Europe to protect animals for slaughter; whereas Article 20 of the Convention provides that it may be signed by the Member States of the Council of Europe and by the European Economic Community;

Whereas the provisions of the Convention are in accordance with Directives 74/577/EEC, 64/433/EEC, and 71/118/EEC; whereas the scope of the Convention is however wider;

Whereas national laws concerning the protection of animals for slaughter have an impact on the conditions of competition and accordingly on the operation of the common market in agricultural products;

Whereas the Convention covers matters which fall within the scope of the common agricultural policy;

Whereas the Community's participation thus appears to comply with the achievement of the Community's objectives,

HEREBY DECIDES AS FOLLOWS:

Article 1

The European Convention for the Protection of Animals for Slaughter is hereby approved on behalf of the European Economic Community.

The text of the Convention is attached hereto.

⁽¹⁾ OJ No C 15, 20. 1. 1988, p. 3.

⁽²⁾ OJ No C 49, 22. 2. 1988, p. 146.

⁽³⁾ OJ No C 35, 8. 2. 1988, p. 8.

⁽⁴⁾ OJ No L 316, 26. 11. 1974, p. 10.

⁽⁵⁾ OJ No 121, 29. 7. 1964, p. 2012/64.

⁽⁶⁾ OJ No L 339, 2. 12. 1986, p. 26.

⁽⁷⁾ OJ No L 55, 8. 3. 1971, p. 23.

⁽⁸⁾ OJ No L 362, 31. 12. 1985, p. 8.

Article 2

The President of the Council shall deposit the instrument of approval in accordance with Article 20 of the Convention ⁽¹⁾.

Done at Brussels, 16 May 1988.

For the Council

The President

I. KIECHLE

⁽¹⁾ The date of entry into force of the Convention will be published in the *Official Journal of the European Communities* by the General Secretariat of the Council.

EUROPEAN CONVENTION
FOR THE PROTECTION OF ANIMALS FOR
SLAUGHTER

CONVENTION EUROPÉENNE
SUR LA PROTECTION DES ANIMAUX
D'ABATTAGE

THE MEMBER STATES OF THE COUNCIL OF EUROPE, signatory hereto,

CONSIDERING that it is desirable to ensure the protection of animals which are to be slaughtered;

CONSIDERING that slaughter methods which as far as possible spare animals suffering and pain should be uniformly applied in their countries;

CONSIDERING that fear, distress, suffering and pain inflicted on an animal during slaughter may affect the quality of the meat,

HAVE AGREED AS FOLLOWS:

LES ÉTATS MEMBRES DU CONSEIL DE L'EUROPE, signataires de la présente convention,

CONSIDÉRANT qu'il est opportun d'assurer la protection des animaux destinés à l'abattage;

CONSIDÉRANT que les méthodes d'abattage épargnant aux animaux des souffrances et des douleurs dans la mesure du possible doivent être d'application uniforme dans leurs pays;

CONSIDÉRANT que la crainte, l'angoisse, les douleurs et les souffrances d'un animal lors de l'abattage risquent d'influencer la qualité de la viande,

SONT CONVENUS DE CE QUI SUIT:

CHAPTER 1

General principles

Article 1

1. This Convention shall apply to the movement, lairaging, restraint, stunning and slaughter of domestic solipeds, ruminants, pigs, rabbits and poultry.

2. For the purpose of this Convention:

slaughterhouse: shall mean any premises under health control, intended for the professional slaughter of animals to produce meat for consumption or for any other reason;

moving animals: shall mean unloading or driving them from unloading platforms or from stalls or pens at slaughterhouses to the premises or place where they are to be slaughtered;

Lairaging: shall mean keeping animals in stalls, pens or covered areas at slaughterhouses in order to give them the necessary attention (water, fodder, rest) before they are slaughtered;

restraint: shall mean the application to an animal of any procedure in conformity with the provisions of this Convention designed to restrict its movements in order to facilitate stunning or slaughter,

stunning: shall mean any process in conformity with the provisions of this Convention, which when applied to an animal induces a state of insensibility which lasts until it is dead, thus sparing it in any event any avoidable suffering;

CHAPITRE PREMIER

Principes généraux

Article premier

1. La présente convention s'applique à l'acheminement, à l'hébergement, à l'immobilisation, à l'étourdissement et à l'abattage des animaux domestiques appartenant aux espèces suivantes: solipèdes, ruminants, porcins, lapins et volailles.

2. Au sens de la présente convention, on entend par:

abattoir: tout établissement ou installation sous contrôle sanitaire, conçu pour la réalisation des opérations professionnelles d'abattage d'animaux en vue d'obtenir des denrées destinées à la consommation publique ou de mise à mort d'animaux pour tout autre motif;

acheminement: le fait de décharger ou de conduire un animal des quais de débarquement, ou des locaux de stabulation ou des parcs de l'abattoir jusqu'aux locaux ou emplacements d'abattage;

hébergement: le fait de détenir un animal pour lui prodiguer les soins nécessaires avant son abattage (abreuvement, nourriture, repos) dans les locaux de stabulation, les parcs ou les emplacements couverts de l'abattoir;

immobilisation: l'application à un animal de tout procédé conforme aux dispositions de la présente convention pour limiter ses mouvements en vue de faciliter l'étourdissement ou l'abattage;

étourdissement: tout procédé conforme aux dispositions de la présente convention qui, lorsqu'il est appliqué à un animal, le plonge dans un état d'inconscience où il est maintenu jusqu'à l'intervention de la mort. Lors de l'étourdissement, il faut exclure en tout état de cause toute souffrance évitable aux animaux;

slaughter: shall mean causing the death of an animal after restraint, stunning and bleeding with the exceptions provided for in Chapter III of this Convention.

abattage: le fait de mettre à mort un animal après immobilisation, étourdissement et saignée sauf exceptions prévues au chapitre III de la présente convention.

Article 2

1. Each Contracting Party shall take the necessary steps to ensure the implementation of the provisions of this Convention.

2. Nothing in this Convention shall, however, prevent Contracting Parties from adopting more stringent rules to protect animals.

3. Each Contracting Party shall ensure that the design, construction and facilities of slaughterhouses and their operation shall be such as to ensure that the appropriate conditions provided for in this Convention are complied with in order to spare animals any avoidable excitement, pain or suffering.

4. For slaughtering outside or inside slaughterhouses each Contracting Party shall ensure that the animals are spared any avoidable pain or suffering.

Article 2

1. Chaque partie contractante prend les mesures nécessaires afin d'assurer l'application effective des dispositions de la présente convention.

2. Aucune disposition de la présente convention ne portera atteinte à la faculté des parties contractantes d'adopter des règles plus strictes visant la protection des animaux.

3. Chaque partie contractante veille à ce que la conception, la construction et les aménagements des abattoirs ainsi que leur fonctionnement assurent les conditions appropriées prévues par la présente convention afin d'éviter, dans toute la mesure du possible, de provoquer des excitations, des douleurs ou des souffrances aux animaux.

4. Chaque partie contractante veille à épargner aux animaux dans les abattoirs ou hors de ceux-ci toute douleur ou souffrance évitable.

CHAPTER II

Delivery of animals to slaughterhouses and their lairaging until they are slaughtered

Article 3

1. Animals shall be unloaded as soon as possible. While waiting in the means of transport they shall be protected from extremes of weather and provided with adequate ventilation.

2. The personnel responsible for moving and lairaging such animals shall have the knowledge and skills required and shall comply with the requirements set out in this Convention.

CHAPITRE II

Livraison des animaux aux abattoirs et hébergement de ceux-ci jusqu'à leur abattage

Article 3

1. Les animaux doivent être déchargés aussitôt que possible. Pendant les attentes dans les moyens de transport, ils doivent être à l'abri d'influences climatiques extrêmes et bénéficier d'une aération appropriée.

2. Le personnel commis à l'acheminement et à l'hébergement des animaux doit avoir les connaissances et capacités requises et respecter les exigences énoncées dans la présente convention.

Section I

The moving of animals within the precincts of slaughterhouses

Article 4

1. The animals shall be unloaded and moved with care.

2. Suitable equipment such as bridges, ramps, or gangways, shall be used for unloading animals. The equipment shall be constructed with flooring which will permit a proper foothold and, if necessary, shall be provided with lateral protection. Bridges, ramps and gangways shall have the minimum possible incline.

Section I

Acheminement des animaux dans l'enceinte des abattoirs

Article 4

1. Les animaux doivent être déchargés et acheminés avec ménagement.

2. Un équipement approprié tel que ponts, rampes ou passerelles doit être utilisé pour le déchargement des animaux. Cet équipement doit être pourvu d'un plancher non glissant et, si nécessaire, d'une protection latérale. Les ponts, rampes et passerelles doivent être aussi peu inclinés que possible.

3. The animals shall not be frightened or excited. In any event care must be taken to ensure that animals are not overturned on bridges, ramps or gangways and that they cannot fall from them. In particular animals shall not be lifted by the head, feet or tail in a manner which will cause them pain or suffering.

4. When necessary, animals shall be led individually. Corridors along which they are moved must be so designed that they cannot injure themselves.

Article 5

1. When animals are moved their gregarious tendencies shall be exploited. Instruments shall be used solely to guide them and must only be used for short periods, in particular, they shall not be struck on, nor shall pressure be applied to, any particularly sensitive part of the body. Electric shocks may be used for bovine animals and pigs only, provided that the shocks last no more than two seconds, are adequately spaced out and the animals have room to move; such shocks shall be applied only to appropriate muscles.

2. Animals' tails shall not be crushed, twisted or broken and their eyes shall not be grasped. Blows and kicks shall not be inflicted.

3. Cages, baskets or crates in which animals are transported shall be handled with care. They shall not be thrown to the ground or knocked over.

4. Animals delivered in cages, baskets or crates with flexible or perforated bottoms shall be unloaded with particular care in order to avoid injuring the animals' extremities. Where appropriate they shall be unloaded individually.

Article 6

1. Animals shall not be taken to the place of slaughter unless they can be slaughtered immediately.

2. Animals which are not slaughtered immediately on arrival shall be lairaged.

Section II

Lairaging

Article 7

1. Animals shall be protected from unfavourable climatic conditions. Slaughterhouses shall be equipped with a sufficient number of stalls and pens for lairaging of the animals with protection from the effects of adverse weather.

3. Les animaux ne doivent être ni apeurés ni excités. Il faut en tout cas veiller à ce que les animaux ne soient pas versés et ne puissent pas tomber des ponts, rampes ou passerelles. Il est en particulier interdit de soulever les animaux par la tête, par les pattes ou par la queue d'une manière qui leur cause des douleurs ou des souffrances.

4. Si nécessaire, les animaux doivent être menés individuellement; s'ils sont déplacés en empruntant des couloirs, ceux-ci doivent être conçus de façon que les animaux ne puissent pas se blesser.

Article 5

1. Les animaux doivent être déplacés en utilisant leur nature grégaire. Les instruments destinés à diriger les animaux ne doivent être utilisés qu'à cette fin et seulement pendant de courts moments. Il est notamment interdit de frapper les animaux sur des parties du corps particulièrement sensibles ou de les pousser en touchant de telles parties. Les appareils à décharge électrique ne peuvent être utilisés que pour les bovins et les porcins, à condition que les décharges ne durent pas plus de deux secondes, qu'elles soient suffisamment espacées et que les animaux disposent de l'espace nécessaire pour se déplacer; les décharges ne doivent être appliquées que sur la musculature appropriée.

2. Il est interdit d'écraser, de tordre, voire de casser la queue des animaux ou de les saisir aux yeux. Les coups appliqués sans ménagement, notamment les coups de pied, sont interdits.

3. Les cages, paniers ou caissons contenant des animaux doivent être manipulés avec ménagement; il est interdit de les lancer à terre ou des les renverser.

4. Les animaux livrés dans des cages, paniers ou caissons à fond perforé ou souple doivent être déchargés avec un soin particulier pour éviter que les extrémités des animaux ne soient blessées. Le cas échéant, les animaux doivent être déchargés individuellement.

Article 6

1. Les animaux ne doivent être acheminés vers les locaux d'abattage que si leur abattage peut y être pratiqué aussitôt.

2. Si les animaux ne sont pas abattus immédiatement après leur arrivée, ils doivent être hébergés.

Section II

Hébergement des animaux

Article 7

1. Les animaux doivent être gardés à l'abri des influences météorologiques ou climatiques défavorables. Les abattoirs doivent disposer d'installations suffisantes pour la stabulation ou le parage des animaux comportant une protection contre les intempéries.

2. The floor of areas where animals are unloaded, moved, kept waiting or temporarily based, shall not be slippery. It shall be such that it can be cleaned, disinfected and thoroughly drained of liquids.

3. Slaughterhouses shall have covered areas with feeding and drinking troughs and arrangements for tying up animals.

4. Animals which must spend the night at the slaughterhouse shall be so housed and, where appropriate, tied up in such a way that they may lie down.

5. Animals naturally hostile to each other on account of their species, sex, age or origin shall be separated from each other.

6. Animals which have been transported in cages, baskets or crates shall be slaughtered as soon as possible; otherwise they shall be watered and fed in accordance with the provisions of Article 8.

7. If animals have been subjected to high temperatures in humid weather, they shall be cooled.

8. Where climatic conditions make it necessary (e.g. high humidity, low temperatures), animals shall be placed in well-ventilated accommodation. During foddering the stalls shall be adequately lit.

2. Le sol des lieux de déchargement, de passage, de stationnement ou d'hébergement des animaux ne doit pas être glissant. Il doit pouvoir être nettoyé et désinfecté et permettre l'écoulement total des liquides.

3. Les abattoirs doivent disposer d'emplacements couverts comportant des dispositifs d'attache avec mangeoires et abreuvoirs.

4. Si des animaux sont obligés de passer la nuit à l'abattoir, ils doivent être hébergés et si nécessaire attachés, en leur ménageant la possibilité de se coucher.

5. Les animaux naturellement hostiles entre eux en raison de leur espèce, de leur sexe, de leur âge ou de leur origine doivent être séparés.

6. Si les animaux ont été transportés dans des cages, paniers ou caissons, ils doivent être abattus aussitôt que possible; sinon ils doivent recevoir abreuvement et nourriture, conformément aux dispositions de l'article 8.

7. Si les animaux ont été soumis à des températures élevées par temps humide, il faut veiller à leur rafraîchissement.

8. Lorsque les conditions climatiques l'exigent (par exemple forte humidité, basses températures), les animaux doivent être mis en stabulation. Les étables doivent être aérées. Pendant l'affouragement, les étables doivent être suffisamment éclairées.

Section III

Care

Article 8

1. Unless they are conducted as soon as possible to the place of slaughter, animals shall be offered water on arrival in the slaughterhouse.

2. With the exception of animals to be slaughtered within 12 hours of their arrival, they shall subsequently be given moderate quantities of food and water at appropriate intervals.

3. Where animals are not tied up, feeding receptacles shall be provided which will permit the animals to feed undisturbed.

Article 9

1. The condition and state of health of the animals shall be inspected at least every morning and evening.

2. Sick, weak or injured animals shall be slaughtered immediately. If this is not possible, they shall be separated in order to be slaughtered as soon as possible.

Section III

Soins aux animaux

Article 8

1. De l'eau doit être mise à la disposition des animaux, à moins qu'ils ne soient conduits dans les locaux d'abattage aussitôt que possible.

2. À l'exception de ceux qui seront abattus dans les douze heures qui suivent leur arrivée, les animaux doivent être modérément affouragés et abreuvés à intervalles appropriés.

3. Si les animaux ne sont pas à l'attache, ils doivent disposer de mangeoires leur permettant de s'alimenter sans perturbation.

Article 9

1. La condition et l'état de santé des animaux doivent faire l'objet d'une inspection au moins chaque matin et chaque soir.

2. Les animaux malades, affaiblis ou blessés doivent être immédiatement abattus. Si l'abattage immédiat n'est pas possible, ils doivent être séparés en vue d'être abattus.

Section IV

Other provisions

Article 10

In respect of reindeer, each Contracting Party may authorize derogations from the provisions of Chapter II of this Convention.

Article 11

Each Contracting Party may prescribe that the provisions of Chapter II of this Convention shall be applied *mutatis mutandis* to moving and lairaging of animals outside slaughterhouses.

CHAPTER III

Slaughtering

Article 12

Animals shall be restrained where necessary immediately before slaughtering and, with the exceptions set out in Article 17, shall be stunned by an appropriate method.

Article 13

In the case of the ritual slaughter of animals of the bovine species, they shall be restrained before slaughter by mechanical means designed to spare them all avoidable pain, suffering, agitation, injury or contusions.

Article 14

No means of restraint causing avoidable suffering shall be used; animals' hind legs shall not be tied nor shall they be suspended before stunning or, in the case of ritual slaughter, before the end of bleeding. Poultry and rabbits may, however, be suspended for slaughtering provided that stunning takes place directly after suspension.

Article 15

Other slaughter operations than those mentioned in Article 1, paragraph 2 may commence only after the animal's death.

Article 16

1. The stunning methods authorized by each Contracting Party shall bring animals into a state of insensibility which lasts until they are slaughtered, thus sparing them in any event all avoidable suffering.

Section IV

Autres dispositions

Article 10

Chaque partie contractante peut autoriser des dérogations aux dispositions du chapitre II de la présente convention pour ce qui concerne les rennes.

Article 11

Chaque partie contractante peut prévoir que les dispositions du chapitre II de la présente convention s'appliquent *mutatis mutandis* à la livraison et l'hébergement des animaux hors des abattoirs.

CHAPITRE III

Abattage des animaux

Article 12

Les animaux doivent être immobilisés immédiatement avant leur abattage si cela s'avère nécessaire et, sauf exceptions prévues à l'article 17, étourdis selon les procédés appropriés.

Article 13

Dans le cas d'abattage rituel, l'immobilisation des animaux de l'espèce bovine avant abattage avec un procédé mécanique ayant pour but d'éviter toutes douleurs, souffrances et excitations ainsi que toutes blessures ou contusions aux animaux est obligatoire.

Article 14

Il est interdit d'utiliser des moyens de contention causant des souffrances évitables, de lier les membres postérieurs des animaux ou de les suspendre avant l'étourdissement et, dans le cas d'abattage rituel, avant la fin de la saignée. Toutefois, l'interdiction de suspendre les animaux ne s'applique pas à l'abattage des volailles et des lapins à condition que la suspension précède immédiatement l'étourdissement.

Article 15

Les opérations d'abattage autres que celles visées au paragraphe 2 de l'article 1^{er} ne peuvent être commencées qu'après la mort de l'animal.

Article 16

1. Les procédés d'étourdissement autorisés par les parties contractantes doivent plonger l'animal dans un état d'inconscience où il est maintenu jusqu'à l'abattage, lui épargnant en tout état de cause toute souffrance évitable.

2. Use of the puntilla, hammer or pole-axe shall be prohibited.

3. In the case of solipeds, ruminants and pigs, only the following stunning methods shall be permitted:

- mechanical means employing instruments which administer a blow or penetrate at the level of the brain,
- electro-narcosis,
- gas anaesthesia.

4. Each Contracting Party may authorize derogations from the provisions of paragraphs 2 and 3 of this Article in the case of slaughter of an animal at the place where it was reared by the producer for his personal consumption.

Article 17

1. Each Contracting Party may authorize derogations from the provisions concerning prior stunning in the following cases:

- slaughtering in accordance with religious rituals,
- emergency slaughtering when stunning is not possible,
- slaughtering of poultry and rabbits by authorized methods causing instantaneous death,
- killing of animals for the purposes of health control where special reasons make this necessary.

2. Each Contracting Party availing itself of the provisions of paragraph 1 of this Article shall, however, ensure that at the time of such slaughter or killing the animals are spared any avoidable pain or suffering.

Article 18

1. Each Contracting Party shall make certain of the skill of persons who are professionally engaged in the restraint, stunning and slaughter of animals.

2. Each Contracting Party shall ensure that the instruments, apparatus or installations necessary for the restraint and stunning of animals comply with the requirements of the Convention.

Article 19

Each Contracting Party permitting slaughter in accordance with religious ritual shall ensure, when it does not itself issue the necessary authorizations, that animal sacrificers are duly authorized by the religious bodies concerned.

2. L'utilisation de la *puntilla*, de la masse et du merlin est interdite.

3. Pour les solipèdes, ruminants et porcins, les seuls procédés d'étourdissement autorisés sont les suivants:

- moyens mécaniques par utilisation d'un instrument avec percussion ou perforation au niveau du cerveau,
- électronarcose,
- anesthésie au gaz.

4. Chaque partie contractante peut autoriser des dérogations aux dispositions des paragraphes 2 et 3 du présent article en cas d'abattage d'un animal par l'exploitant pour sa propre consommation à l'endroit où l'animal se trouve.

Article 17

1. Chaque partie contractante peut autoriser des dérogations aux dispositions relatives à l'étourdissement préalable dans les cas suivants:

- abattages selon des rites religieux,
- abattages d'extrême urgence lorsque l'étourdissement n'est pas possible,
- abattages de volailles et de lapins selon des procédés agréés provoquant une mort instantanée des animaux,
- mise à mort d'animaux pour des raisons de police sanitaire, si des raisons particulières l'exigent.

2. Toute partie contractante qui fera usage des dérogations prévues au paragraphe 1 du présent article devra toutefois veiller à ce que lors de tels abattages ou mises à mort, toute douleur ou souffrance évitable soit épargnée aux animaux.

Article 18

1. Chaque partie contractante s'assure de l'aptitude des personnes procédant professionnellement à l'immobilisation, à l'étourdissement et à l'abattage des animaux.

2. Chaque partie contractante veille à ce que les instruments, appareils ou installations nécessaires à l'immobilisation des animaux et à leur étourdissement répondent aux exigences de la convention.

Article 19

Chaque partie contractante qui autorise les abattages selon des rites religieux doit s'assurer de l'habilitation des sacrificateurs par des organismes religieux dans la mesure où elle ne délivre pas elle-même les autorisations nécessaires.

CHAPTER IV

Final provisions

Article 20

1. This Convention shall be open to signature by the member States of the Council of Europe and by the European Economic Community. It shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the Council of Europe.
2. This Convention shall enter into force six months after the date of the deposit of the fourth instrument of ratification, acceptance or approval by a member State of the Council of Europe.
3. In respect of a signatory party ratifying, accepting or approving after the date referred to in paragraph 2 of this Article, the Convention shall come into force six months after the date of the deposit of its instrument of ratification, acceptance or approval.

Article 21

1. After the entry into force of this Convention, the Committee of Ministers of the Council of Europe may, upon such terms and conditions as it deems appropriate, invite any non-member State to accede thereto.
2. Such accession shall be effected by depositing with the Secretary-General of the Council of Europe an instrument of accession which shall take effect six months after the date of its deposit.

Article 22

1. Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this Convention shall apply.
2. Any State may, when depositing its instrument of ratification, acceptance, approval or accession or at any later date, by declaration addressed to the Secretary-General of the Council of Europe, extend this Convention to any other territory or territories specified in the declaration and for whose international relations it is responsible or on whose behalf it is authorized to give undertakings.
3. Any declaration made in pursuance of the preceding paragraph may, in respect of any territory mentioned in such declaration, be withdrawn by means of a notification addressed to the Secretary-General. Such withdrawal shall take effect six months after the date of receipt by the Secretary-General of such notification.

Article 23

1. Any Contracting Party may, insofar as it is concerned, denounce this Convention by means of a notification addressed to the Secretary-General of the Council of Europe.

CHAPITRE IV

Dispositions finales

Article 20

1. La présente convention est ouverte à la signature des États membres du Conseil de l'Europe ainsi qu'à celle de la Communauté économique européenne. Elle sera ratifiée, acceptée ou approuvée. Les instruments de ratification, d'acceptation ou d'approbation seront déposés près le secrétaire général du Conseil de l'Europe.
2. La présente convention entrera en vigueur six mois après la date du dépôt du quatrième instrument de ratification, d'acceptation ou d'approbation d'un État membre du Conseil de l'Europe.
3. Elle entrera en vigueur à l'égard de toute partie signataire qui la ratifiera, l'acceptera ou l'approuvera après la date visée au paragraphe 2 du présent article, six mois après la date du dépôt de son instrument de ratification, d'acceptation ou d'approbation.

Article 21

1. Après l'entrée en vigueur de la présente convention, le comité des ministres du Conseil de l'Europe pourra inviter, selon les modalités qu'il jugera opportunes, tout État non membre du Conseil de l'Europe à adhérer à la présente convention.
2. L'adhésion s'effectuera par le dépôt, près le secrétaire général du Conseil de l'Europe, d'un instrument d'adhésion qui prendra effet six mois après la date de son dépôt.

Article 22

1. Tout État peut, au moment de la signature ou au moment du dépôt de son instrument de ratification, d'acceptation, d'approbation ou d'adhésion, désigner le ou les territoires auxquels s'appliquera la présente convention.
2. Tout État peut, au moment du dépôt de son instrument de ratification, d'acceptation, d'approbation ou d'adhésion, ou à tout autre moment par la suite, étendre l'application de la présente convention, par déclaration adressée au secrétaire général du Conseil de l'Europe, à tout autre territoire désigné dans la déclaration et dont il assure les relations internationales ou pour lequel il est habilité à stipuler.
3. Toute déclaration faite en vertu du paragraphe précédent pourra être retirée, en ce qui concerne tout territoire désigné dans cette déclaration, par notification adressée au secrétaire général. Le retrait prendra effet six mois après la date de réception de la notification par le secrétaire général.

Article 23

1. Toute partie contractante pourra, en ce qui la concerne, dénoncer la présente convention en adressant une notification au secrétaire général du Conseil de l'Europe.

2. Such denunciation shall take effect six months after the date of receipt by the Secretary-General of such notification.

2. La dénonciation prendra effet six mois après la date de la réception de la notification par le secrétaire général.

Article 24

The Secretary-General of the Council of Europe shall notify the member States of the Council and any Contracting Party not a member of the Council of:

- (a) any signature;
- (b) any deposit of an instrument of ratification, acceptance, approval or accession;
- (c) any date of entry into force of this Convention in accordance with Articles 20 and 21 thereof;
- (d) any declaration received in pursuance of the provisions of Article 22, paragraph 2;
- (e) any notification received in pursuance of the provisions of Article 22, paragraph 3;
- (f) any notification received in pursuance of the provisions of Article 23 and the date on which denunciation takes effect.

Article 24

Le secrétaire général du Conseil de l'Europe notifiera aux États membres du Conseil et à toute partie contractante non membre du Conseil:

- a) toute signature;
- b) le dépôt de tout instrument de ratification, d'acceptation, d'approbation ou d'adhésion;
- c) toute date d'entrée en vigueur de la présente convention conformément à ses articles 20 et 21;
- d) toute déclaration reçue en application des dispositions du paragraphe 2 de l'article 22;
- e) toute notification reçue en application des dispositions du paragraphe 3 de l'article 22;
- f) toute notification reçue en application des dispositions de l'article 23 et de la date à laquelle la dénonciation prendra effet.

In witness whereof the undersigned, being duly authorized thereto, have signed this Convention.

Done at Strasbourg, this 10th day of May 1979, in English and in French, both texts being equally authoritative, in a single copy which shall remain deposited in the archives of the Council of Europe. The Secretary-General of the Council of Europe shall transmit certified copies to each of the signatory and acceding Parties.

En foi de quoi, les soussignés, dûment autorisés à cet effet, ont signé la présente convention.

Fait à Strasbourg, le 10 mai 1979, en français et en anglais, les deux textes faisant également foi, en un seul exemplaire qui sera déposé dans les archives du Conseil de l'Europe. Le secrétaire général du Conseil de l'Europe en communiquera copie certifiée conforme à chacune des parties signataires et adhérentes.

*For the Government
of the Republic of Austria*

*Pour le gouvernement
de la république d'Autriche*

*For the Government
of the Kingdom of Belgium*

*Pour le gouvernement
du royaume de Belgique*

A. VRANKEN

*For the Government
of the Republic of Cyprus*

*Pour le gouvernement
de la république de Chypre*

*For the Government
of the Kingdom of Denmark*

*Pour le gouvernement
du royaume de Danemark*

*For the Government
of the French Republic*

*Pour le gouvernement
de la République française*

P. BERNARD-REYMOND

*For the Government
of the Federal Republic of Germany*

*Pour le gouvernement
de la république fédérale d'Allemagne*

Dr. H. HAMM-BRÜCHER

*For the Government
of the Hellenic Republic*

*Pour le gouvernement
de la République hellénique*

*For the Government
of the Icelandic Republic*

*Pour le gouvernement
de la République islandaise*

*For the Government
of Ireland*

*Pour le gouvernement
d'Irlande*

*For the Government
of the Italian Republic*

*Pour le gouvernement
de la République italienne*

*For the Government
of the Principality of Liechtenstein*

*Pour le gouvernement
de la principauté de Liechtenstein*

*For the Government
of the Grand Duchy of Luxembourg*

*Pour le gouvernement
du grand-duché de Luxembourg*

G. HEISBOURG

*For the Government
of Malta*

*Pour le gouvernement
de Malte*

*For the Government
of the Kingdom of the Netherlands*

*Pour le gouvernement
du royaume des Pays-Bas*

*For the Government
of the Kingdom of Norway*

*Pour le gouvernement
du royaume de Norvège*

*For the Government
of the Portuguese Republic*

*Pour le gouvernement
de la République portugaise*

*For the Government
of the Kingdom of Spain*

*Pour le gouvernement
du royaume de l'Espagne*

*For the Government
of the Kingdom of Sweden*

*Pour le gouvernement
du royaume de Suède*

*For the Government
of the Swiss Confederation*

*Pour le gouvernement
de la Confédération suisse*

Pierre AUBERT

*For the Government
of the Turkish Republic*

*Pour le gouvernement
de la République turque*

*For the Government
of the United Kingdom of Great Britain
and Northern Ireland*

*Pour le gouvernement
du Royaume-Uni de Grande-Bretagne
et d'Irlande du Nord*

D.S. CAPE

*For the European
Economic Community*

*Pour la Communauté
économique européenne*

Certified a true copy of the sole original documents, in English and in French, deposited in the archives of the Council of Europe.

Strasbourg, this 21st May 1979.

Copie certifiée conforme à l'exemplaire original unique en langues française et anglaise, déposé dans les archives du Conseil de l'Europe.

Strasbourg, le 21 mai 1979.

*The Deputy Director of Legal Affairs
of the Council of Europe*

*Le directeur adjoint des affaires juridiques
du Conseil de l'Europe*

Erik HARREMOES
