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II

(Acts whose publications is not obligatory)

COUNCIL

COUNCIL DECISION

of 5 April 1989

concerning the conclusion of the Agreement in the form of Agreed Minutes between the European Economic Community and the Kingdom of Sweden on apples and pears negotiated under Article XXVIII of the General Agreement on Tariffs and Trade

(89/549/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas the Kingdom of Sweden, in accordance with Article XXVIII of the General Agreement on Tariffs and Trade (GATT), made known its intention to withdraw the tariff concessions for apples and pears, of which the Community is the main supplier;

Whereas the Commission opened negotiations with the Kingdom of Sweden under Article XXVIII of the GATT; whereas it reached a satisfactory agreement with that country,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of Agreed Minutes between the European Economic Community and the Kingdom of

Sweden on apples and pears, negotiated under Article XXVIII of the GATT, is hereby approved on behalf of the Community.

The text of the agreement is attached to this Decision.

Article 2

The President of the Council shall notify the Kingdom of Sweden of the approval laid down by the Agreement.

Done at Luxembourg, 5 April 1989.

For the Council

The President

M. CHAVES GONZALEZ

AGREEMENT

in the form of Agreed Minutes between the European Economic Community and the Kingdom of Sweden on apples and pears negotiated under Article XXVIII of the General Agreement on Tariffs and Trade

Geneva, 4 November 1988

The delegations of Sweden and the European Communities have concluded negotiations under Article XXVIII of the GATT concerning the modification of the Swedish import regime for apples and pears. They have agreed to submit the attached results for approval by their respective authorities.

*On behalf of the Commission of the
European Communities*

*For the
Swedish delegation*

ANNEX

CHANGES IN SCHEDULE XXX — SWEDEN

A. Concession to be withdrawn

ex 08.08 Apples and pears SKr 0,25 per kg

Duty period for apples: 16 July to 29 February.

Duty period for pears: 16 July to 31 December.

B. Bound rates to be increased

ex 08.08 Apples and pears

<i>Import price</i>	<i>Tariff</i>
cif Skr/kg	Skr/kg
3,51—	0,25
2,76—3,50	1,00
2,01—2,75	1,75
—2,00	2,50

Duty period for apples: 1 August to 23 January.

Duty period for pears: 1 August to 31 October.

C. Duty free periods

Apples: 24 January to 31 July

Pears: 1 November to 31 July

Sweden reserves its rights in accordance with GATT Article XXVIII to modify the import price intervals and the differentiated bound duty rates in relation to the development of cif prices for imports into Sweden of apples and pears.

The new tariff rates will be implemented for apples as from 15 December 1988 and for pears as from 1 August 1989.

The opening of the market for imports will take place in 1988 not later than 15 December for apples and not later than 15 November for pears.

The quantitative restrictions of imports of apples and pears will be completely abolished not later than 15 November 1989.

Information concerning the Agreement between the Community and Sweden on apples and pears

In accordance with Article 2 of the Council Decision of 5 April 1989, the Community notified its approval of the abovementioned Agreement on 21 September 1989. For its part, Sweden notified its approval on 5 December 1988.

COUNCIL DECISION

of 29 September 1989

concerning notification of the application by the Community of the International Coffee Agreement 1983 as extended until 30 September 1991

(89/550/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 113 and 116 thereof,

Having regard to the proposal from the Commission,

Whereas in accordance with Decision 87/485/EEC ⁽¹⁾, the Community approved the International Coffee Agreement 1983, which came into force on 1 October 1983 for a period of six years, expiring on 30 September 1989;

Whereas by resolution No 347 of 4 July 1989, the International Coffee Council decided to extend the International Coffee Agreement 1983 for a period of two years until 30 September 1991;

Whereas the Community and its Member States should notify the Secretary-General of the United Nations Organization of their intention to apply the Agreement as extended until 30 September 1991, —

HAS DECIDED AS FOLLOWS:

Article 1

The extension of the International Coffee Agreement 1983 until 30 September 1991, in accordance with the

International Coffee Council resolution No 347 of 4 July 1989, is hereby approved on behalf of the European Economic Community.

The text of the resolution is attached to this Decision.

The European Economic Community and its Member States, once they have completed the necessary internal procedures, shall notify the Secretary-General of the United Nations Organization of their intention to apply, in the capacity as importing Members, the International Coffee Agreement 1983 as extended until 30 September 1991.

Article 2

The President of the Council is hereby authorized to designate the person empowered to deposit the notification of the European Economic Community.

Done at Brussels, 29 September 1989.

*For the Council**The President*

C. EVIN

⁽¹⁾ OJ No L 276, 29. 9. 1987, p. 61.

RESOLUTION No 347

(Approved at the Plenary Meeting on 3 July 1989)

EXTENSION OF THE INTERNATIONAL COFFEE AGREEMENT 1983

THE INTERNATIONAL COFFEE COUNCIL,

Whereas:

Under the provisions of paragraph 1 of Article 68 of the International Coffee Agreement 1983 the Agreement shall remain in force for a period of six years until 30 September 1989 unless extended under the provisions of paragraph 2 of the Article or terminated under the provisions of paragraph 3 of the Article;

Under the provisions of paragraph 2 of Article 68, the Council may, at any time after 30 September 1987 by a vote of 58 % of the Members having not less than a distributed majority of 70 % of the total votes, decide either that the Agreement be renegotiated or that it be extended, with or without modification, for such period as the Council shall determine. Any Contracting Party which by the date on which such renegotiated or extended Agreement enters into force has not made a notification of acceptance of such renegotiated or extended Agreement to the Secretary-General of the United Nations, or any territory which is either a Member or a party to a Member group on behalf of which such notification has not been made by that date, shall as of that date cease to participate in such Agreement;

By resolution No 346 the International Coffee Council established a Negotiating Group to prepare a draft of a new Agreement which could be the basis for a decision under the provisions of paragraph 2 of Article 68 of the Agreement but it has not proved possible to complete the negotiations in time for a new Agreement to enter into force by 1 October 1989;

In order to allow adequate time for the negotiation of a new Agreement it is considered desirable that the International Coffee Agreement 1983 be extended; and

Under the provisions of Article 51 of Chapter VIII of the Agreement and of resolution No 286 stocks of coffee are verified annually in exporting Member countries,

RESOLVES:

1. That the International Coffee Agreement 1983 shall be extended for a period of two years to 30 September 1991.

2. With effect from 1 October 1989 and throughout the life of the Agreement as extended:

(a) the provisions of the Articles contained in Chapter VII shall be suspended and shall remain suspended with the exception of paragraph 1 of Article 38 and paragraph 1 of Article 43; and

(b) exporting Members shall continue to issue certificates of origin in Forms O and X and shall continue to send copies of certificates of origin in Form O and originals of certificates of origin in Form X to the Executive Director. Importing Members, while under no obligation, may, if they are so willing, continue to collect certificates and forward them to the Executive Director.

3. With effect from 1 October 1989 and throughout the life of the Agreement as extended:

(a) the verification of stocks in exporting Member countries provided for under the provisions of Article 51 of Chapter VIII and of resolution No 286 shall be suspended;

(b) there shall be no contributions to the Special Fund under the provisions of Article 55 of the Agreement; and

(c) the provisions of Articles 50 and 51 of the Agreement shall be suspended.

4. To instruct the Executive Director to prepare, in consultation with the Finance Committee, a draft administrative budget for financial year 1989/90, which reflects the work to be carried out by the organization under the provisions of this resolution, and to submit the draft budget to the Executive Board so that it may be forwarded to the Council for approval.

5. That the International Coffee Agreement 1983 as extended in accordance with the provisions of paragraph 1 of this resolution shall remain in force among those Contracting Parties to the Agreement which have notified their acceptance of such extension to the Secretary-General of the United Nations by 30 September 1989, if on that date such Contracting Parties represent at least 20 exporting Members holding a majority of the votes of the exporting Members and at least 10 importing Members holding a majority of the votes of the importing Members. The votes for this purpose shall be calculated as at 30 September 1989. Such notifications shall be signed by the Head of State or Government, or Minister for Foreign Affairs, or made under full powers signed by one of the foregoing. In the case of an international organization, the notification shall be signed by a representative duly authorized in accordance with the rules of the organization, or made under full powers signed by such a representative.

6. That a notification by a Contracting Party containing an undertaking to apply provisionally the Agreement as hereby extended, which is received by the Secretary-General of the United Nations not later than 30 September 1989, shall be regarded as equal in effect to a notification of acceptance of the International Coffee Agreement 1983 as extended. Such Contracting Party shall enjoy all the rights and assume all the obligations of a Member. However, if formal notification of acceptance has not been received by the Secretary-General of the United Nations by 31 March 1990 or such later date as the Council may determine, such Contracting Party shall as of that date cease to participate in the Agreement.

7. That any Contracting Party to the International Coffee Agreement 1983 which has not made the notifications of acceptance provided for in paragraphs 5 and 6 of this resolution, may accede to the Agreement by 31 March 1990 or such later date as the Council may determine on condition that on depositing its instrument of accession such Contracting Party undertakes to fulfil all its previous obligations under the Agreement with retroactive effect from 1 October 1989.

8. To convene the second regular session of the Council in coffee year 1988/89 from 25 to 29 September 1989 to finalize matters related to the current Agreement.

9. To convene a further session of the Council from 2 to 6 October 1989 in order to examine the situation of

membership in the light of the action taken by Contracting Parties under the provisions of paragraphs 5 and 6 of this resolution in respect of the extension of the Agreement and:

(a) in the event that the requirements for the extension of the Agreement have been met, to take decisions regarding the operation of the Agreement in coffee year 1989/90;

and

(b) in the event that the requirements for the extension of the Agreement have not been met, to decide:

(i) whether the Agreement should continue in force among the Contracting Parties which have made the notifications provided for in paragraphs 5 and 6 of this resolution and if so to establish the conditions for the continued operation of the organization;

or

(ii) whether to make arrangements for the liquidation of the organization in accordance with the provisions of paragraph 4 of Article 68 of the Agreement.

10. To instruct the Executive Director to convey this resolution to the Secretary-General of the United Nations.

COUNCIL DECISION

of 29 September 1989

on the conclusion of an Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol establishing, for the period from 27 June 1989 to 26 June 1992, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Equatorial Guinea on fishing off the coast of Equatorial Guinea

(89/551/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to the Agreement between the European Economic Community and the Government of the Republic of Equatorial Guinea on fishing off the coast of Equatorial Guinea ⁽¹⁾, signed at Malabo on 15 June 1984 and amended by the Agreement signed in Brussels on 4 November 1987 ⁽²⁾,

Having regard to the proposal from the Commission,

Whereas the Community and the Republic of Equatorial Guinea conducted negotiations to determine the amendments or additions to be made to the said Agreement at the end of the period of application of the Protocol;

Whereas, as a result of these negotiations, a new Protocol was initialled on 2 June 1989;

Whereas, under that Protocol, Community fishermen have fishing rights in the waters under the sovereignty or jurisdiction of the Republic of Equatorial Guinea for the period from 27 June 1989 to 26 June 1992;

Whereas, under Article 155 (2) (b) of the Act of Accession, it is for the Council 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, particularly with a view to the conclusion of fisheries agreements with third countries; whereas the case in point calls for the said procedures to be determined;

Whereas, in order to avoid any interruption in the fishing activities of Community vessels, it is essential that the Protocol in question be approved as soon as possible; whereas, for this reason, the two Parties initialled an Agreement in the form of an Exchange of Letters providing for the provisional application of the initialled Protocol from the day following the date of expiry of the Protocol in force; whereas the Agreement in the form of an Exchange of Letters should be approved pending a final decision taken on the basis of Article 43 of the Treaty,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol establishing, for the period from 27 June 1989 to 26 June 1992, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Equatorial Guinea on fishing off the coast of Equatorial Guinea is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

With a view to taking into consideration the interests of the Canary Islands, the Agreement referred to in Article 1 and, insofar as is necessary for its application, the provisions of the common fisheries policy relating to 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 relevant authorities at local level ('registros de base') in the Canary Islands, under the conditions specified in Note 6 to Annex I to Council Regulation (EEC) No 570/86 of 24 February 1986 concerning the definition of the concept of 'originating products' and methods of administrative cooperation in

⁽¹⁾ OJ No L 188, 16. 7. 1984, p. 1.

⁽²⁾ OJ No L 29, 30. 1. 1987, p. 1.

trade between the customs territory of the Community,
Ceuta and Melilla and the Canary Islands ⁽¹⁾.

the form of an Exchange of Letters in order to bind the
Community.

Done at Brussels, 29 September 1989.

Article 3

The President of the Council is hereby authorized to
designate the persons empowered to sign the Agreement in

For the Council
The President
E. EVIN

⁽¹⁾ OJ No L 56, 1. 3. 1986, p. 1.

AGREEMENT

in the form of an Exchange of Letters concerning the provisional application of the Protocol establishing, for the period from 27 June 1989 to 26 June 1992, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Equatorial Guinea on fishing off the coast of Equatorial Guinea

A. Letter from the Government of Equatorial Guinea

Sir,

With reference to the Protocol initialled on 2 June 1989 establishing fishing rights and financial compensation for the period from 27 June 1989 to 26 June 1992, I have the honour to inform you that the Government of Equatorial Guinea is ready to apply this Protocol on a provisional basis, with effect from 27 June 1989, pending its entry into force in accordance with Article 8 of the said Protocol, provided that the European Economic Community is disposed to do the same.

This is on the understanding that a first instalment equal to one third of the financial compensation specified in Article 2 of the Protocol is paid by 30 September 1989.

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

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

*For the Government of
the Republic of Equatorial Guinea*

B. Letter from the Community

Sir,

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

'With reference to the Protocol initialled on 2 June 1989 establishing fishing rights and financial compensation for the period from 27 June 1989 to 26 June 1992, I have the honour to inform you that the Government of Equatorial Guinea is ready to apply this Protocol on a provisional basis, with effect from 27 June 1989, pending its entry into force in accordance with Article 8 of the said Protocol, provided that the European Economic Community is disposed to do the same.

This is on the understanding that a first instalment equal to one third of the financial compensation specified in Article 2 of the Protocol is paid by 30 September 1989.

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

I have the honour to confirm the European Economic Community's agreement to this provisional application of the Protocol.

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

*On behalf of the Council
of the European Communities*

PROTOCOL

establishing, for the period from 27 June 1989 to 26 June 1992, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Equatorial Guinea on fishing off the coast of Equatorial Guinea

THE PARTIES TO THIS PROTOCOL,

Having regard to the Agreement between the European Economic Community and the Government of the Republic of Equatorial Guinea on fishing off the coast of Equatorial Guinea, signed at Malabo on 15 June 1984 and amended by the Agreement signed in Brussels on 4 November 1987,

HAVE AGREED AS FOLLOWS:

Article 1

For a period of three years from 27 June 1989, the fishing rights granted under Article 2 of the Agreement shall be as follows:

1. Freezer trawlers: 9 000 grt a month, annual average.
2. Tuna seiners: 40 vessels.
3. Surface longliners: 30 vessels.

At the Community's request, up to 10 licences may be granted for pole-and-line tuna vessels.

Article 2

1. The financial compensation referred to in Article 6 of the Agreement shall be, for the period referred to in Article 1, ECU 6 million, payable in three equal annual instalments as follows: the first instalment before 30 September 1989, the second before 30 June 1990 and the third before 30 June 1991.

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

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

Article 3

At the request of the Community, the fishing rights referred to in Article 1 (1) may be increased by successive instalments

of 1 000 grt a month, calculated on an annual average basis. In this case, the financial compensation referred to in Article 2 shall be increased proportionately.

Article 4

The Community shall also contribute, during the period referred to in Article 1, the sum of ECU 500 000 towards the financing of an Equatorial Guinea scientific or technical programme to improve information on the fishery resources within the exclusive economic zone of Equatorial Guinea.

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

Article 5

The two Parties agree that improving the skills of those involved in sea fishing is a vital element in the success of their cooperation. To that end, the Community shall make it easier for nationals of Equatorial Guinea to find places in establishments in its Member States and shall provide for that purpose, during the period referred to in Article 1, awards for study and practical training in the various scientific, technical and economic disciplines relating to fisheries. The awards may also be used in any State linked with the Community by a cooperation agreement. The total cost of the awards may not exceed ECU 665 000. At the request of the Equatorial Guinea authorities, part of this sum may be used to cover the costs of participation in international meetings or training courses concerning fisheries.

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

Article 6

Should the Community fail to make the payments provided for in Articles 2 and 4, the application of this Protocol may be suspended.

Article 7

The Annex to the Agreement between the European Economic Community and the Government of the Republic of Equatorial Guinea on fishing off the coast of Equatorial Guinea is hereby repealed and replaced by the Annex to this Protocol.

Article 8

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

It shall apply with effect from 27 June 1989.

ANNEX

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

A. Licence application and issuing formalities

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

The relevant Community authorities shall present to the Ministry of Water, Forestry and Reafforestation of the Republic of Equatorial Guinea, via the authorities of the Commission of the European Communities in Equatorial Guinea, an application for each vessel that is to be used for fishing under the Agreement, at least 30 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 competent authorities of the Republic of Equatorial Guinea, a specimen of which is attached hereto (Annex 1).

Each licence application shall be accompanied by proof of payment of the fee for the period of the licence's validity. Payment shall be made into the account referred to in Article 2 of the Protocol.

Fees shall include all national and local charges except those for the performance of services. Once signed, the licences shall be issued by the Equatorial Guinea authorities to the shipowners or their representatives via the authorities of the Commission of the European Communities in Equatorial Guinea within 15 working days of the date on which the proof of payment is received.

Licences shall be issued for a specific vessel and shall not be transferable. However, at the request of the European Economic Community, and where force majeure is proven, a vessel's licence shall be replaced by a new licence for another vessel whose features are similar to those of the first vessel. The owner of the first vessel shall return the cancelled licence to the Ministry of Water, Forestry and Reafforestation of the Republic of Equatorial Guinea via the authorities of the Commission of the European Communities.

The new licence shall indicate:

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

The licence must be held on board at all times.

1. *Provisions applicable to trawlers*

- (a) The licences for trawlers shall be issued for a year, six months or three months. They shall be renewable.
- (b) The fees for annual licences shall be as follows:
ECU 90 per grt per year for fin fish trawlers,
ECU 100 per grt per year for shrimp trawlers.
- (c) The fees for half-year licences shall be as follows:
ECU 55 per grt per half-yearly period for fin fish trawlers,
ECU 60 per grt per half-yearly period for shrimp trawlers.
- (d) The fees for quarterly licences shall be set as follows:
ECU 30 per grt per quarterly period for fin fish trawlers,
ECU 35 per grt per quarterly period for shrimp trawlers.

2. *Provisions applicable to tuna vessels and surface longliners*

- (a) The fees shall be ECU 20 per tonne caught within Equatorial Guinea's fishing zone.
- (b) Licences for tuna vessels shall be issued following payment to the Ministry of Water, Forestry and Reafforestation of a lump sum of ECU 1 000 a year for each tuna seiner and ECU 200 a year for each pole-and-line tuna vessel and surface longliner, equivalent to the fees for:

- 50 tonnes of tuna caught per year in the case of seiners,
- 10 tonnes caught per year in the case of pole-and-line tuna vessels and surface longliners.

The final statement of the fees due for the fishing period shall be drawn up by the Commission of the European Communities at the end of each calendar year on the basis of the catch statements made by each shipowner and confirmed by the scientific institutes responsible for verifying catch data (Orstom and IEO — Spanish Institute of Oceanography). The statement shall be forwarded simultaneously to the Equatorial Guinea authorities and to the shipowners. Any additional payment due shall be made by the shipowners to the Ministry of Water, Forestry and Reafforestation of Equatorial Guinea by 30 May of the following year at the latest, in accordance with the procedure for payment set out in Article 2 of the Protocol.

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

B. Statement of catch

For all vessels authorized to fish in Equatorial Guinea's waters under the Agreement, a statement of their catch must be provided to the Ministry of Water, Forestry and Reafforestation, with a copy to the Commission authorities in Equatorial Guinea, in accordance with the procedures set out below:

- for trawlers a statement shall be made out according to the specimen annexed hereto (Annex 2). The statements shall be communicated after each tide,
- for tuna seiners, pole-and-line tuna vessels and surface longliners a fishing log shall be kept, in accordance with Annex 3 (in English), for each fishing period spent in Equatorial Guinea's fishing zone. The form must be completed legibly and be signed by the master of the vessel and sent, within 45 days of the end of the fishing voyage spent in the Equatorial Guinea fishing zone, to the Ministry of Water, Forestry and Reafforestation via the authorities of the Commission of the European Communities in Equatorial Guinea.

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

C. Landing of catch

Trawlers authorized to fish in the Equatorial Guinea zone shall, after each tide, make a contribution to fish supplies for the local population by landing, on an annual basis:

- fin fish trawlers: 7 000 kg of fish per vessel,
- shrimp trawlers: 5 000 kg of fish per vessel,

at a price set by the Ministry of Water, Forestry and Reafforestation by mutual agreement with the shipowner on the basis of local market prices.

Landings may be made individually or collectively at the ports of Malabo, Bata or Luba.

Any failure to comply with the obligation to land catches shall render the offender liable to the following sanctions applied by the Equatorial Guinea authorities:

- fine of ECU 1 000 per tonne not landed, and
- withdrawal and non-renewal of the licence of the vessel concerned or another vessel belonging to the same shipowner.

D. Signing on of seamen

1. Trawler owners who have been issued fishing licences under the Agreement shall contribute to the on-the-job vocational training of Equatorial Guinea nationals, subject to the conditions and limits set out below:
 - two seamen/fishermen on vessels of up to 300 grt,
 - three seamen/fishermen on vessels of more than 300 grt.
2. The wages of these fishermen, to be borne by the shipowners, shall be fixed by mutual agreement between the shipowners and the Equatorial Guinea authorities. Should the fishermen not be signed on, the shipowners shall be obliged to pay a lump sum equivalent to 30 % of the seamen's wages. This sum will be used for the training of fishermen in Equatorial Guinea and is to be paid into an account specified by the Equatorial Guinea authorities.

E. Taking on board of observers

Each trawler may be obliged to take on board an observer designated by the Ministry of Water, Forestry and Reafforestation. In that case, the observer shall be included in the number of fishermen to be signed on established in point D.

The observer shall be offered every facility needed to carry out his duties. The presence and work of this observer must not interrupt or prejudice fishing operations. The salary and the social contributions of the observer shall be borne by the Government of Equatorial Guinea.

F. Inspection and monitoring

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

G. Fishing zones

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

H. Meshes authorized

The minimum mesh size authorized for the trawl body (mesh fully extended) shall be:

- (a) 60 mm for fin fish vessels catching less than 30 % shrimps;
- (b) 25 mm for shrimp vessels catching more than 30 % shrimps.

Outtrigger fishing shall be authorized.

I. Entering and leaving the zone

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

J. Procedure in case of boarding

1. The authorities of the Commission of the European Communities in Equatorial Guinea shall be notified within two working days of any boarding within the Equatorial Guinea exclusive economic zone of a fishing vessel flying the flag of a Member State of the Community and holding a valid licence granted under the Agreement. The authorities shall at the same time receive a brief report of the circumstances and reasons leading to the boarding.
2. Before any measures regarding the master or the crew of the vessel or any action regarding the cargo and equipment of the vessel are considered, other than those to safeguard evidence relating to the presumed infringement, a consultation meeting shall be held, within one working day from the receipt of the abovementioned information, between the authorities of the Commission of the European Communities in Equatorial Guinea, the Fisheries Department and the inspection authorities, possibly attended by a representative of the Member State concerned. At the meeting, the parties shall exchange any relevant documentation or information helping to clarify the circumstances of the established facts. The shipowner or his representative shall be informed of the outcome of the meeting and of any measures resulting from the boarding.
3. Before any judicial procedure, an attempt shall be made to resolve the presumed infringement through a compromise procedure. This procedure shall end no later than three working days after the boarding.
4. Should the case not be settled by means of compromise, and therefore be brought before a competent Equatorial Guinea judicial body, a reasonable bank security shall be fixed by the competent authority within two working days, following the conclusion of the compromise procedure, pending the judicial decision. The bank security shall be released by the competent authority once the master of the vessel concerned has been acquitted by the judicial decision.

-
5. The vessel and its crew shall be released either:
- at the end of the consultation meeting, if the established facts permit,
or
 - on receipt of payment of a fine (compromise procedure),
or
 - once a bank security is deposited (judicial procedure).
6. Should one of the parties consider that there is a problem in the application of the abovementioned procedure, it may request urgent consultations under Article 8 of the Agreement.
-

Annex 1

REPUBLIC OF EQUATORIAL GUINEA

APPLICATION FOR A FISHING LICENCE

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

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

Date of application:

Annex 2

Annex 1 to the Fisheries Law

INFORMATION ON CATCHES RESULTING FROM INDUSTRIAL FISHING

(Article 42 of the Fisheries Law) .

1. Name and registration number of vessel:
2. Nationality:
3. Type of vessel:
(i. e. for fresh 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:

[illegible]

(1) For each species give the scientific and the commercial name and the method of conservation (chilled, refrigerated, frozen) or, if the product is processed, the form of commercial presentation.

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

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

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

All information reported herein will be kept strictly confidential.

1. Use one sheet per month, and one line per day.
2. At the end of each trip, forward a copy of the log to the nearest office.
3. "Dry" refers to the day you set the line.