

Official Journal

of the European Communities

ISSN 0378-6978

L 309

Volume 34

11 November 1991

English edition

Legislation

Contents

I *Acts whose publication is obligatory*

.....

II *Acts whose publication is not obligatory*

Council

91/569/EEC:

- ★ Council Decision of 22 July 1991 on the conclusion of the agreement in the form of an Exchange of Letters complementing the Agreement between the European Economic Community and the Argentine Republic on the conclusion of negotiations under Article XXIV.6 of the General Agreement on Tariffs and Trade (GATT) 1

Agreement in the form of an Exchange of Letters complementing the Agreement between the European Economic Community and the Argentine Republic on the conclusion of negotiations under Article XXIV.6 of GATT 2

- ★ Information concerning the signature of the agreement in the form of an Exchange of Letters complementing the Agreement between the European Economic Community and the Republic of Argentina on the conclusion of negotiations under Article XXIV.6 of GATT 4

91/570/EEC:

- ★ Council Decision of 7 October 1991 on the conclusion of the Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol establishing for the period 16 June 1991 to 15 June 1993 the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau 5

Contents *(continued)*

Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol defining, for the period 16 June 1991 to 15 June 1993, the fishing rights and the financial compensation provided for by the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau	6
Protocol establishing for the period 16 June 1991 to 15 June 1993 the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau	8

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 22 July 1991

on the conclusion of the agreement in the form of an Exchange of Letters complementing the Agreement between the European Economic Community and the Argentine Republic on the conclusion of negotiations under Article XXIV.6 of the General Agreement on Tariffs and Trade (GATT)

(91/569/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS DECIDED AS FOLLOWS:

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 Agreement between the European Economic Community and the Argentine Republic on the conclusion of negotiations under Article XXIV.6 of the General Agreement on Tariffs and Trade (GATT) ⁽¹⁾ calls for a review;

Whereas the review has not been concluded before certain time-limited provisions expire;

Whereas consultations have taken place with the country concerned in order to extend part II B (2) of the Agreement until 31 December 1991;

Whereas the said consultations have resulted in a draft agreement in the form of an Exchange of Letters which it is in the Community's interest to approve,

Article 1

The agreement in the form of an Exchange of Letters complementing the Agreement between the European Economic Community and the Argentine Republic on the conclusion of negotiations under Article XXIV.6 of 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 is hereby authorized to designate the person empowered to sign the Agreement referred to in Article 1, in order to bind the Community.

Done at Brussels, 22 July 1991.

For the Council

The President

P. DANKERT

⁽¹⁾ OJ No L 24, 29. 1. 1988, p. 58.

AGREEMENT

in the form of an Exchange of Letters complementing the Agreement between the European Economic Community and the Argentine Republic on the conclusion of negotiations under Article XXIV.6 of GATT

A. Letter from the Community

Sir,

I have the honour to refer to recent consultations between representatives of the European Community and the Argentine Republic pertaining to the 1986 accession of Portugal and Spain to the European Economic Community and to the agreement between the Argentine Republic and the European Economic Community on the conclusion of negotiations under Article XXIV.6 of GATT, dated 20 October 1987, together with its Annexes.

In connection therewith, I wish to confirm the agreement reached between the European Community and the Argentine Republic to extend until 31 December 1991 all of those rights and obligations in the Agreement which would otherwise expire on 31 December 1990. This extension shall be without prejudice to the continuation in force of those rights and obligations in the Agreement which do not expire on 31 December 1990.

In particular, the European Community and the Argentine Republic have agreed, *inter alia*, that:

- (i) the commitment in paragraph II.B (1) of the Agreement to ensure a minimum annual level of imports of corn and sorghum into Spain until 31 December 1990, in accordance with the procedures set forth in Annex II to the Agreement, shall be extended until 31 December 1991; and
- (ii) this extension of the agreement is without prejudice to the legal interpretations of Article XXIV of either party.

The European Community and the Argentine Republic further agree to resume the review referred to in paragraph III of the Agreement not later than during June 1991 in order to achieve a final and mutually satisfactory understanding prior to 30 September 1991.

I have the further honour to propose that if this understanding is shared by your government, this letter and your affirmative letter in reply shall constitute an agreement between the European Community and the Government of the Argentine Republic which shall enter into force on the date of your reply.

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

*On behalf of
the Council of the European Communities*

B. Letter from the Argentine Republic

Sir,

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

'I have the honour to refer to recent consultations between representatives of the European Community and the Argentine Republic pertaining to the 1986 accession of Portugal and Spain to the European Economic Community and to the agreement between the Argentine Republic and the European Economic Community on the conclusion of negotiations under Article XXIV.6 of GATT, dated 20 October 1987, together with its Annexes.

In connection therewith, I wish to confirm the agreement reached between the European Community and the Argentine Republic to extend until 31 December 1991 all of those rights and obligations in the Agreement which would otherwise expire on 31 December 1990. This extension shall be without prejudice to the continuation in force of those rights and obligations in the Agreement which do not expire on 31 December 1990.

In particular, the European Community and the Argentine Republic have agreed, *inter alia*, that:

- (i) the commitment in paragraph II.B (1) of the Agreement to ensure a minimum annual level of imports of corn and sorghum into Spain until 31 December 1990, in accordance with the procedures set forth in Annex II to the Agreement, shall be extended until 31 December 1991; and
- (ii) this extension of the agreement is without prejudice to the legal interpretations of Article XXIV of either party.

The European Community and the Argentine Republic further agree to resume the review referred to in paragraph III of the Agreement not later than during June 1991 in order to achieve a final and mutually satisfactory understanding prior to 30 September 1991.

I have the further honour to propose that if this understanding is shared by your government, this letter and your affirmative letter in reply shall constitute an agreement between the European Community and the Government of the Argentine Republic which shall enter into force on the date of your reply.'

I have the further honour to confirm that my government agrees to the foregoing and that your letter and this letter in reply constitute an agreement between the European Community and the Government of the Argentine Republic which shall enter into force on this date.

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

For
the Government of the Argentine Republic

Information concerning the signature of the agreement in the form of an Exchange of Letters complementing the Agreement between the European Economic Community and the Republic of Argentina on the conclusion of negotiations under Article XXIV.6 of GATT

The agreement between the Community and Argentina on the conclusion of negotiations under Article XXIV.6 of the GATT was signed in Brussels on 25 September 1991 by Mr. R. Möller on behalf of the Council of the Community and by Mr. D.R. Guelar for the Government of the Republic of Argentina.

COUNCIL DECISION

of 7 October 1991

on the conclusion of the Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol establishing for the period 16 June 1991 to 15 June 1993 the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau

(91/570/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 Guinea-Bissau on fishing off the coast of Guinea-Bissau signed in Bissau on 27 February 1980 ⁽¹⁾, as last amended by the Agreement signed in Brussels on 29 June 1987 ⁽²⁾,

Having regard to the proposal from the Commission,

Whereas the Community and the Republic Guinea-Bissau conducted negotiations to determine the amendments or additions to be made to the Agreement on fishing off the coast of Guinea-Bissau at the end of the period of application of the Protocol referred to in Article 9 of the Agreement;

Whereas, as a result of these negotiations, a new Protocol was initialled on 13 June 1991;

Whereas, under that Protocol, Community fishermen have fishing rights in the waters under the sovereignty or jurisdiction of Guinea-Bissau for the period 16 June 1991 to 15 June 1993;

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 this Agreement 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 16 June 1991 to 15 June 1993 the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau 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, in so far 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 which sail 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 1135/88 of 7 March 1988 concerning the definition of the concept of 'originating products' and methods of administrative cooperation in trade between the customs territory of the Community, Ceuta and Melilla and the Canary Islands ⁽³⁾.

Article 3

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

Done at Luxembourg, 7 October 1991.

For the Council
The President
W. KOK

⁽¹⁾ OJ No L 226, 29. 8. 1980, p. 33.

⁽²⁾ OJ No L 113, 30. 4. 1987, p. 1.

⁽³⁾ OJ No L 114, 2. 5. 1988, p. 1.

AGREEMENT

in the form of an Exchange of Letters concerning the provisional application of the Protocol defining, for the period 16 June 1991 to 15 June 1993, the fishing rights and the financial compensation provided for by the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau

A. Letter from the Government of the Republic of Guinea-Bissau

Sir,

With reference to the Protocol, initialled on 13 June 1991, establishing the fishing rights and the financial compensation for the period 16 June 1991 to 15 June 1993, I have the honour to inform you that the Government of the Republic of Guinea-Bissau is ready to apply this Protocol on a provisional basis, with effect from 16 June 1991, pending its entry into force in accordance with Article 8 of the Protocol, provided that the European Economic Community is prepared to do the same.

The licences of present vessels or of vessels which had a licence in 1991 shall be automatically extended should the vessels so require. To this end, a list of vessels requiring this shall be sent by 15 June 1991 at the latest. The licence fees shall be paid prior to 30 June 1991. It is understood that holding new licence documents does not necessarily mean that fishing activities will be carried out.

This is on the understanding that in this case a first instalment equal to 50 % of the financial compensation specified in Article 2 of the Protocol is to be paid prior to 15 November 1991.

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 Guinea-Bissau*

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 13 June 1991, establishing the fishing rights and the financial compensation for the period 16 June 1991 to 15 June 1993, I have the honour to inform you that the Government of the Republic of Guinea-Bissau is ready to apply this Protocol on a provisional basis, with effect from 16 June 1991, pending its entry into force in accordance with Article 8 of the Protocol, provided that the European Economic Community is prepared to do the same.

The licences of present vessels or of vessels which had a licence in 1991 shall be automatically extended should the vessels so require. To this end, a list of vessels requiring this shall be sent by 15 June 1991 at the latest. The licence fees shall be paid prior to 30 June 1991. It is understood that holding new licence documents does not necessarily mean that fishing activities will be carried out.

This is on the understanding that in this case a first instalment equal to 50 % of the financial compensation specified in Article 2 of the Protocol is to be paid prior to 15 November 1991.

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 Community's agreement to this provisional application of the Protocol.

*On behalf of
the Council of the European Communities*

PROTOCOL

establishing for the period 16 June 1991 to 15 June 1993 the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau

THE PARTIES TO THIS PROTOCOL,

Having regard to the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau signed in Bissau on 27 February 1980, as last amended by the Agreement signed in Brussels on 29 June 1987,

HAVE AGREED AS FOLLOWS:

Article 1

For a period of two years from 16 June 1991, the fishing rights granted pursuant to Article 4 of the Agreement shall be as follows:

1. (a) freezer shrimp trawlers: 11 000 GRT per month, annual average;
(b) freezer fin fish and cephalopod trawlers: 6 000 GRT per month, annual average;
2. freezer tuna seiners: 20 vessels;
3. pole-and-line tuna vessels and surface longliners: 12 vessels.

Article 2

1. The financial compensation referred to in Article 9 of the Agreement shall be, for the period referred to in Article 1, ECU 12 000 000, payable in two equal annual instalments.
2. The use to which this compensation is put shall be the sole responsibility of the Government of the Republic of Guinea-Bissau.
3. The compensation shall be paid into an account opened with a financial institution or any other body designated by Guinea-Bissau.

Article 3

At the request of the Community, the fishing rights referred to in Article 1 (1) (a) and (b) may be increased by successive instalments of 1 000 GRT per 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 850 000 towards the financing of a Guinea-Bissau scientific or technical programme to improve information on the fishery resources within the exclusive economic zone of Guinea-

Bissau and the functioning of the marine biology laboratory.

This sum shall be made available to the Government of the Republic of Guinea-Bissau and paid into the account indicated by the Guinea-Bissau 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 Guinea-Bissau 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 country linked with the Community by a cooperation agreement. The total cost of the awards may not exceed ECU 550 000. At the request of the Guinea-Bissau authorities, part of this sum may be used to cover the costs of participation in international meetings or training courses concerning fisheries or the organization of seminars on fishing in Guinea-Bissau, or to strengthen the administrative infrastructure of the Office of the Secretary of State for 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 Guinea-Bissau on fishing off the coast of Guinea-Bissau is hereby repealed and replaced by the Annex to this Protocol.

Article 8

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

It shall be applicable from 16 June 1991.

Article 9

This Protocol shall be drawn up in duplicate in the Danish, Dutch, English, French, German, Greek, Italian, Portuguese and Spanish languages, each text being equally authentic.

ANNEX

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

A. Licence application and issuing formalities

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

The relevant Community authorities shall present to the Ministry for Fisheries of the Republic of Guinea-Bissau, via the Commission Delegation in Guinea-Bissau, 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 Government of the Republic of Guinea-Bissau, specimens of which are attached hereto (Appendix 1).

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

The fees shall include all national and local taxes with the exception of port fees and fees for the provision of services.

By way of derogation from Article 4 (3) of the Agreement, the licences shall be valid from their date of issue to 31 December of the year in which they are issued or to the expiry of the Protocol in the case of the last year of application of the Protocol. The fees are annual. However, during the first and last years of application of the Protocol they shall be payable in proportion to the period of validity of the Agreement.

Licences for tuna seiners, pole-and-line tuna vessels and surface longliners shall be issued by the Guinea-Bissau authorities within the 30-day time limit laid down above to the shipowners or their representatives via the Delegation of the Commission of the European Communities in Guinea-Bissau.

Freezer trawlers must be present in the port of Bissau when the licence is handed over. The Delegation of the Commission of the European Communities shall be notified of each licence issued.

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 for Fisheries of the Republic of Guinea-Bissau via the authorities of the Commission of the European Communities.

The licence must be held on board at all times.

1. Provisions applicable to trawlers

For the duration of this Protocol the fees for annual licences shall be as follows:

ECU 188 per GRT per year for fin fish trawlers;

ECU 209 per GRT per year for cephalopod trawlers;

ECU 266 per GRT per year for shrimp trawlers.

The fees for a calendar year may be paid in four-monthly or half-yearly instalments, in which case they shall be increased by 5 % or 3 % respectively.

2. Provisions applicable to tuna vessels and surface longliners

(a) The fees shall be ECU 20 per tonne caught within Guinea-Bissau's fishing zone.

- (b) Licences shall be issued following payment to the Ministry for Fisheries of a lump sum of ECU 1 500 a year for each tuna seiner and ECU 300 a year for each pole-and-line tuna vessel and surface longliner, equivalent to the fees for:

- 75 tonnes of tuna caught per year in the case of seiners,
- 15 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 Ministry for Fisheries and to the shipowners. Any additional payment due shall be made by the shipowners to the Ministry of Fisheries of Guinea-Bissau by 31 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 Community vessels authorized to fish in Guinea-Bissau's waters under the Agreement a statement of their catch must be provided to the Ministry for Fisheries, with a copy to the Commission Delegation in Guinea-Bissau, in accordance with the procedures set out below:

- for trawlers a statement of catch shall be made out according to the specimen annexed hereto (Appendix 2). The statements of catch shall be drawn up each month and presented at least once each quarter,
- for tuna seiners, pole-and-line tuna vessels and surface longliners a fishing log shall be kept, in accordance with Appendix 3, for each fishing period spent in Guinea-Bissau's fishing zone. The form must be sent, within 45 days of the end of the fishing voyage spent in the Guinea-Bissau fishing zone, to the Ministry for Fisheries via the Delegation of the Commission of the European Communities in Guinea-Bissau,
- forms must be completed legibly and be signed by the master of the vessel.

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

C. By-catches

1. Fin fish trawlers may not hold on board crustaceans representing more than 10 % of their total catch in the Guinea-Bissau fishing zone.

Cephalopod trawlers may not hold on board crustaceans representing more than 5 % or fish representing more than 10 % of their total catch in the Guinea-Bissau fishing zone.

2. Pole-and-line tuna vessels shall, moreover, be authorized to fish for live bait in order to carry out their fishing activities in the Guinea-Bissau fishing zone.

D. Signing-on of seamen

Owners who have been issued fishing licences under the Agreement shall contribute to the on-the-job vocational training of Guinea-Bissau nationals, subject to the conditions and limits set out below:

1. each trawler owner shall undertake to employ:
 - 3 seamen/fishermen on vessels of up to 300 GRT,
 - 4 seamen/fishermen on vessels of between 300 and 400 GRT,
 - 5 seamen/fishermen on vessels of more than 400 GRT.
2. Owners of tuna vessels and surface longliners shall undertake to employ Guinea-Bissau nationals, subject to the conditions and limits set out below:
 - for the fleet of tuna seiners, four Guinea-Bissau seamen shall be signed on permanently in the Guinea-Bissau fishing zone,
 - for the fleet of pole-and-line tuna vessels and surface longliners, six Guinea-Bissau seamen shall be signed on for the tuna fishing season in the Guinea-Bissau fishing zone, all of them to be assigned to different vessels.
3. The wages of these seamen/fishermen shall be fixed, before licences are issued, by mutual agreement between the shipowners or their representatives and the Office of the Secretary of State for Fisheries; the wages shall be borne by the shipowners and must include the social contributions to which the seaman is subject (including life assurance and accident and sickness insurance).

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

This sum will be used for the training of seamen/fishermen in Guinea-Bissau and is to be paid into an account specified by the Guinea-Bissau authorities.

E. Taking on board of observers

1. The observer's task shall be to check on fishing activities in the Guinea-Bissau fishing zone. He shall be offered every facility needed to carry out his duties, including access to premises and documents. He must not remain on board any longer than is necessary for the accomplishment of his duties. The master of the vessel shall facilitate the work of the observer, who shall be accorded the conditions enjoyed by officers of the vessel. The salary and the social contributions of the observer shall be borne by the Government of Guinea-Bissau.

Should the observer be taken on board in a foreign port, his travelling costs shall be borne by the shipowner. Should a vessel with an observer on board leave the Guinea-Bissau fishing zone, all measures must be taken to ensure the observer's return to Guinea-Bissau as soon as possible at the expense of the shipowner.

2. Each trawler shall take on board an observer designated by the Ministry for Fisheries. As a contribution to the costs arising from the presence of the observer on board, the shipowner shall pay the Guinea-Bissau authorities the sum of ECU 4 per GRT per year per vessel exercising fishing activities in Guinea-Bissau waters at the same time as the licence fee is paid.
3. Tuna vessels and surface longliners shall take an observer on board at the request of the Ministry for Fisheries.

In that case, the port of embarkation shall be determined by mutual agreement between the Ministry for Fisheries and the shipowners or their representatives at a meeting to be arranged between the two parties.

F. Inspection and monitoring

Any Community vessel fishing in Guinea-Bissau's fishing zone shall allow on board any official of Guinea-Bissau 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 freezer trawlers referred to in Article 1 of the Protocol shall be authorized to fish in waters beyond 12 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;
- (b) 40 mm for cephalopod vessels;
- (c) 40 mm for shrimp vessels;
- (d) 16 mm for fishing for live bait.

Outrigger fishing shall be authorized.

I. Entering and leaving the zone

All Community vessels fishing under the Agreement in the Guinea-Bissau zone shall communicate to the radio station of the Ministry for Fisheries the date and time and their position when entering and leaving the Guinea-Bissau fishing zone.

The call sign, frequency and working hours of the station shall be communicated to the shipowners by the Ministry for Fisheries at the time the licence is issued.

In cases where this radio communication cannot be used, vessels may use alternative means, such as telex (No 266 SEP BI), telegram or telefax (No 20 11 57).

J. Procedure in case of boarding

The authorities of the Commission of the European Communities in Guinea-Bissau shall be notified within 48 hours of any boarding within the Guinea-Bissau fishing zone of a fishing vessel flying the flag of a Member State of the Community and shall at the same time receive a brief report of the circumstances and reasons leading to the boarding.

Before any judicial procedure, an attempt shall be made to resolve the presumed infringement through an administrative procedure. This procedure shall end no later than three working days after the boarding.

If the case cannot be settled by administrative procedure and has to be brought before a competent judicial body, the competent authority shall fix a bank security within 48 hours of the completion of the administrative procedure pending the judicial decision. The size of the security shall not exceed the maximum fine provided for in national legislation in respect of the presumed infringement.

The bank security shall be released by the competent authority once the master of the vessel has been acquitted by the judicial decision.

The vessel and its crew shall be released:

- either on fulfilment of the obligations arising from the administrative procedure, or
- once the bank security has been lodged.

Should one of the parties consider it necessary, it may request urgent consultations pursuant to Article 10 of the Agreement.

Appendix 1

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:

First name and surname 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 ☐ Netsonde satellite navigation ☐ 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:

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

Technical remarks

Authorization of the Ministry

Appendix 2

STATISTICS ON CATCH AND ACTIVITY

MINISTRY FOR FISHERIES

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

[illegible]

Fishing modalities

Fishing modalities

Fishing modalities