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Legislation

Contents

I *Acts whose publication is obligatory*

★ Council Regulation (EC) No 3020/94 of 6 December 1994 on the conclusion of the Protocol defining, for the period from 3 May 1994 to 2 May 1996, the fishing possibilities and financial compensation provided for in the Agreement between the European Economic Community and the Government of the People's Republic of Angola on fishing off Angola	1
Protocol defining, for the period from 3 May 1994 to 2 May 1996, the fishing possibilities and financial compensation provided for in the Agreement between the European Economic Community and the Government of the People's Republic of Angola on fishing off Angola	2

Note to our Swedish and Finnish readers (see page 3 of the cover)

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.
The titles of all other Acts are printed in bold type and preceded by an asterisk.

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 3020/94

of 6 December 1994

on the conclusion of the Protocol defining, for the period from 3 May 1994 to 2 May 1996, the fishing possibilities and financial compensation provided for in the Agreement between the European Economic Community and the Government of the People's Republic of Angola on fishing off Angola

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43, in conjunction with Article 228 (2) and (3), first subparagraph thereof,

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

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

Whereas the two parties have held negotiations pursuant to the Agreement between the European Economic Community and the Government of the People's Republic of Angola on fishing off Angola ⁽³⁾, to determine the amendments or additions to be made to the Agreement on the expiry of the application period of the third Protocol annexed thereto;

Whereas, as a result of those negotiations, a new Protocol defining, for the period from 3 May 1994 to 2 May 1996, the fishing possibilities and financial compensation provided for in the said Agreement was initialled on 24 March 1994;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Protocol defining, for the period from 3 May 1994 to 2 May 1996, the fishing possibilities and financial compensation provided for in the Agreement between the European Economic Community and the Government of the People's Republic of Angola on fishing off Angola is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Regulation.

Article 2

The President of the Council is hereby authorized to designate the persons empowered to sign the Protocol 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, 6 December 1994.

For the Council
The President
N. BLÜM

⁽¹⁾ OJ No C 184, 6. 7. 1994, p. 4.

⁽²⁾ OJ No C 323, 21. 11. 1994.

⁽³⁾ OJ No L 341, 3. 12. 1987, p. 2.

PROTOCOL

defining, for the period from 3 May 1994 to 2 May 1996, the fishing possibilities and financial compensation provided for in the Agreement between the European Economic Community and the Government of the People's Republic of Angola on fishing off Angola

Article 1

From 3 May 1994, for a period of two years, the limits referred to in Article 2 of the Agreement shall be as follows:

1. Shrimp vessels:

6 550 GRT per month, as an annual average (maximum 22 vessels).

The quantities to be fished by Community vessels shall be made up of 30 % prawns and 70 % shrimps.

2. Demersal trawlers:

1 900 GRT per month, as an annual average (maximum five vessels).

3. Bottom set longliner, fixed gillnet:

900 GRT per month, as an annual average.

Directed fishing for *Centrophorus granulosus* shall be prohibited.

4. Freezer tuna seiners:

19 vessels.

5. Surface longliners:

five vessels.

Article 2

1. The financial compensation provided for in Article 7 of the Agreement for the period referred to in Article 1 of this Protocol is hereby fixed at ECU 13 900 000 payable in two equal annual instalments into an account to be indicated by the Ministry of Fisheries.

2. If vessels are not covered by the Agreement and if the Angolan authorities do not accept their replacement by other vessels, the resulting reduction in fishing possibilities for the Community shall entail a proportional adjustment of the financial compensation provided for in paragraph 1.

3. The use to which this compensation is put shall be the sole responsibility of Angola.

Article 3

During the period referred to in Article 1, the Community shall also contribute ECU 2 800 000 towards the financing of Angolan scientific and technical programmes (equipment, infrastructure, monitoring, seminars, studies, etc.). This amount shall be payable in two equal annual instalments to the Research Centre of the Ministry of Fisheries. Part of this amount may be used to cover Angola's contributions to international fisheries organizations.

Article 4

The two parties agree that improving the skill and knowledge of persons employed in sea fishing is an essential part of the success of their cooperation. To this end the Community shall provide the Angolan nationals with study and practical training grants in the various scientific, technical and economic disciplines related to fisheries.

These grants may also be used in any State linked to the Community by a cooperation agreement. The total cost of these grants shall not exceed ECU 1 800 000. This amount shall be transferred to the account indicated by the Ministry of Fisheries in two equal annual instalments. The Ministry shall administer all the grants and other activities thus funded.

Article 5

Should the Community fail to make the payments provided for in Articles 2, 3 and 4 within the time limits laid down, application of the Agreement may be suspended.

Article 6

The Annex to the Agreement between the European Economic Community and the Government of the People's Republic of Angola on fishing off Angola is hereby repealed and replaced by the Annex to this Protocol.

Article 7

This Protocol shall enter into force on the date of its signature. It shall apply from 3 May 1994.

ANNEX**Conditions governing fishing activities in Angolan waters by Community vessels****A. LICENCE APPLICATION AND ISSUING FORMALITIES**

- (a) The Commission of the European Communities shall present to Angola's fishing authority, via the Delegation of the Commission of the European Communities in Angola, an application made by the shipowner for each vessel that wishes to fish under this Agreement, at least 15 days before the date of commencement of the period of validity requested. Applications shall be made on forms provided for the purpose by Angola, specimens of which are contained in Appendix 1 and Appendix 2. Each licence application shall be accompanied by proof of payment of the licence fee for the period of its validity.
- (b) Each licence shall be issued to the shipowner for one designated vessel. At the request of the Commission of the European Communities the licence for a vessel shall, in cases of proven *force majeure*, be replaced by a licence for another Community vessel.
- (c) Licences will be issued by the authorities of Angola to the skipper of the vessel in the Port of Luanda after inspection of the vessel by the competent authority. However, in the case of tuna vessels and surface longliners, a copy of the licence may be faxed to the shipowners or their representatives or agents.
- (d) The Delegation of the Commission of the European Communities in Angola shall be notified of the licences issued by Angola's fishing authority.
- (e) The licence document must be held on board at all times.
- (f) Licences shall be valid for periods of one year.
- (g) Each vessel shall be represented by an agent approved by the Ministry of Fisheries.
- (h) The Angolan authorities shall communicate, as soon as possible, particulars of the bank accounts and currencies to be used for financial settlements under this Agreement.

B. LICENCE FEES**I. Provisions applicable to trawlers**

The fees shall be:

- Shrimp vessels: ECU 56 per GRT per month,
- Demersal vessels: ECU 195 per GRT per month.

The fees may be paid quarterly or half-yearly. In this case the amount shall be increased by 5 and 3 % respectively.

During the period covered by this Protocol, shipowners of the shrimp fleet must contribute ECU 350 000 per annum towards the carrying out of scientific studies and, where necessary, research campaigns.

II. Provisions applicable to tuna vessels and surface longliners

The fees shall be ECU 20 per tonne caught within Angola's fishing zone.

Licences shall be issued following advance payment to Angola at a flat rate of ECU 4 000 a year for each freezer tuna seiner, equivalent, to the fees for 200 tonnes caught per year, and at a flat rate of ECU 2 000 a year for each surface longliner, equivalent to the fees for 100 tonnes caught per year.

The final statement of the fees due for the fishing year shall be drawn up by the Commission of the European Communities at the end of the first quarter of the year following that of the catches on the basis of the catch statements made for each vessel and verified by a specialized scientific body in the region.

This statement shall be communicated to the Angolan authorities and to the shipowners at the same time. The shipowners shall make any additional payment, within 30 days of notification of the final statement at the latest, into an account opened with a financial institution or any other body specified by the Angolan authorities.

However, if the amount of the final statement is lower than the advance referred to above, the balance shall not be reimbursable to the shipowners.

C. BY-CATCHES

The by-catches of shrimp vessels shall be the property of the shipowners. They shall be authorized to catch up to 500 tonnes of crab per annum.

D. LANDINGS

Community surface longliners shall endeavour to contribute to supplying Angolan tuna-canning factories, in accordance with their fishing effort in the zone, at a price to be jointly agreed between the shipowners and the Angolan fishing authorities based on current international market prices. Payment shall be in a convertible currency.

E. TRANSHIPMENTS

All transshipments shall be notified to the competent Angolan fishing authorities eight days in advance and shall take place in one of the bays of Luanda or Lobito in the presence of the tax authorities.

A copy of the documentation relating to transshipments shall be forwarded to the Inspection and Monitoring Department of the Ministry of Fisheries 15 days before the end of each month for the preceding month.

F. STATEMENT OF CATCHES

1. *Shrimp vessels and demersal trawlers*

- (a) At the end of each fishing campaign these vessels must forward to the Fisheries Investigation Centre in Luanda, via the Delegation of the Commission of the European Communities, catch reports as contained in Appendices 3 and 4.

Furthermore, each vessel shall present a monthly report to the cabinet of the Minister for Planning or Ministry of Fisheries, via the Delegation of the Commission of the European Communities, listing the catches made during the month and the quantities on board on the last day of the month. This report shall be presented no later than the 45th day following the end of the month concerned. In the event of failure to comply with this provision, Angola reserves the right to apply the penalties provided for in its current legislation.

- (b) These vessels must also inform Luanda radio station on a daily basis of their geographical position and the previous day's catches. Shipowners shall be notified of the call sign at the time of issue of the fishing licence. If it is not possible to use the radio, vessels may use alternative means of communication such as telex or telegraph.

Before leaving Angola's fishing zone, these vessels must obtain authorization from the Department of Inspection and Monitoring of the Ministry of Fisheries and have the catches on board checked.

2. *Tuna vessels and surface longliners*

Every three days during the fishing period in Angola's fishing zone, vessels shall inform Luanda radio station of their position and their catches. On entering and leaving Angola's fishing zone, the vessels shall inform Luanda radio station of their position and the volume of the catches on board.

If it is not possible to use the radio, vessels may use alternative means of communication such as telex or telegraph.

In addition, the skipper shall keep a fishing log book, in accordance with Appendix 5, for each fishing period spent in Angola's fishing zone.

This form must be completed legibly and be signed by the skipper of the vessel and sent to the Department of Inspection and Monitoring of the Ministry of Fisheries via the Delegation of the Commission of European Communities within 45 days of the end of the fishing campaign.

In the event of failure to comply with this provision, Angola reserves the right to apply the penalties provided for in its current legislation.

G. FISHING ZONES

- (a) The fishing zones accessible to shrimp vessels shall comprise all waters under the sovereignty or the jurisdiction of the Republic of Angola north of 12°20' and beyond the first 12 nautical miles measured from the base lines.
- (b) The fishing zones accessible to freezer tuna seiners and surface longliners shall comprise all waters under the sovereignty or the jurisdiction of the Republic of Angola beyond the first 12 nautical miles measured from the base lines.
- (c) The fishing zones accessible to demersal trawlers shall comprise all waters under the sovereignty or the jurisdiction of the Republic of Angola:
 - for trawlers, beyond the first 12 nautical miles measured from the baselines and restricted northwards by 13°00' south and southwards by a line five miles north of the border between the exclusive economic zones (EEZs) of Angola and Namibia,
 - for vessels using other types of fishing gear, beyond the first eight nautical miles measured from the baselines and restricted southwards by a line five miles north of the border between the exclusive economic zones (EEZs) of Angola and Namibia.

H. SIGNING OF CREWS

Owners of all vessels, except freezer tuna seiners and surface longliners, to whom fishing licences have been issued under this Agreement shall contribute to the on-the-job vocational training of four Angolan seamen on board each vessel.

The seamen's wages, set in accordance with Angolan scales, and other forms of remuneration shall be borne by the shipowners and shall be paid into an account opened with a financial institution designated by the Ministry of Fisheries.

Should shipowners wish to take on further Angolan crew members they can do so by applying to the Ministry of Fisheries.

I. SCIENTIFIC OBSERVERS

Any vessel may be asked to take on board a scientific observer designated and employed by the Ministry of Fisheries.

The scientific observer shall receive, as far as possible, the same treatment as the ship's officers. The observer shall be given all facilities necessary for him to carry out his duties. The scientific observer's presence and work shall neither interrupt nor hinder the fishing activities.

An amount of ECU 8/GRT a year is included in the fee paid by shipowners for each vessel fishing in Angolan waters to cover the cost to Angola of placing observers on vessels.

J. INSPECTION AND MONITORING

At the request of the Angolan authorities, Community fishing vessels operating under the Agreement shall allow on board any Angolan officials responsible for the inspection and monitoring of fishing activities and facilitate the accomplishment of their duties.

These officials shall remain on board no longer than is necessary for the accomplishment of their duties.

K. FUEL SUPPLIES, REPAIRS AND OTHER SERVICES

All vessels, except tuna vessels, operating in Angola's fishing zone under this Agreement must obtain their fuel and water supplies and have shipyard repairs and maintenance carried out in Angola wherever possible.

Subject to these same conditions, the transport of crews shall be undertaken by the Angolan national airline.

Fuel shall not be taken on board outside the roads of Luanda or Lobito without authorization from the Department of Inspection and Monitoring of the Ministry of Fisheries.

L. MESH SIZES

The minimum size of the mesh used shall be:

- (a) 40 mm for shrimp fishing; and
- (b) demersal fishing:
 - 60 mm, in the first year of the protocol
 - 110 mm, in the second year of the protocol.

The introduction of new mesh sizes shall apply to Community vessels from the sixth month following notification to the Commission of the European Communities.

M. BOARDING PROCEDURE

The Delegation of the Commission in Luanda shall be informed within 48 hours of the boarding of any fishing vessel flying the flag of a Member State of the Community within Angola's fishing zone, and shall at the same time receive a report of the circumstances and reasons for the boarding of the vessel.

Appendix 1

APPLICATION FOR A LICENCE TO FISH FOR SHRIMP AND DEMERSAL SPECIES IN THE
WATERS OF ANGOLA

PART A

- 1. Name of owner:
- 2. Nationality of owner:
- 3. Business address of owner:
.....
.....
- 4. Chemical additives which may be used (brand name and composition):
.....
.....
.....

PART B

To be completed for each vessel

- 1. Period of validity:
- 2. Name of vessel:
- 3. Year of construction:
- 4. Original flag country:
- 5. Currently flying the flag of:
- 6. Date of acquisition of current flag:
- 7. Year of acquisition:
- 8. Port and registration number:
- 9. Fishing method:
- 10. Gross registered tonnage:
- 11. Radio call sign:
- 12. Overall length (m):
- 13. Bow (m):
- 14. Depth (m):
- 15. Construction material of the hull:
- 16. Engine power (bhp):
- 17. Speed (knots):
- 18. Capacity of refrigeration chamber:
- 19. Capacity of fuel tanks (m³):
- 20. Capacity of fish holds (m³):
- 21. Colour of the hull:
- 22. Colour of the superstructure:

23. Communication equipment on board:

Type	Brand	Power (Watt)	Year of construction	Frequencies	
				Reception	Transmission

24. Navigation and detection equipment installed:

Type	Brand	Model	Range

25. Name of captain:

26. Nationality of captain:

To be annexed:

- three colour photographs of the vessel (side view),
- diagram and detailed description of fishing gear used,
- document giving proof of authority for the owner's representative to sign this application.

.....
(Date of application)

.....
(Signature of owner's representative)

Appendix 2

APPLICATION FOR A LICENCE TO FISH FOR TUNA IN THE WATERS OF ANGOLA

PART A

- 1. Name of owner:
- 2. Nationality of owner:
- 3. Business address of owner:
.....
.....

PART B

To be completed for each vessel

- 1. Period of validity:
- 2. Name of vessel:
- 3. Year of construction:
- 4. Original flag country:
- 5. Currently flying the flag of:
- 6. Date of acquisition of current flag:
- 7. Year of acquisition:
- 8. Ports and registration number:
- 9. Fishing method:
- 10. Gross registered tonnage:
- 11. Radio call sign:
- 12. Overall length (m):
- 13. Bow (m):
- 14. Depth (m):
- 15. Construction material of the hull:
- 16. Engine power (bhp):
- 17. Speed (knots):
- 18. Cabin capacity:
- 19. Capacity of fuel tanks (m³):
- 20. Capacity of fish holds (m³):
- 21. Freezing capacity (tonnes/24 hours) and freezing system used:
.....
- 22. Colour of the hull:
- 23. Colour of the superstructure:

24. Communication equipment on board:

Type	Brand	Model	Power (Watt)	Year of construction	Frequencies	
					Reception	Transmission

25. Navigation and detection equipment installed:

Type	Brand	Model

26. Auxiliary vessels used (for each vessel):
- 26.1. Gross registered tonnage:
- 26.2. Overall length (m):
- 26.3. Bow (m):
- 26.4. Depth (m):
- 26.5. Construction material of the hull:
- 26.6. Engine power (bhp):
- 26.7. Speed (knots):
27. Auxiliary aerial fish detection equipment (even if not based on board):
.....
28. Home port:
29. Name of captain:
30. Nationality of captain:

To be annexed:

- three colour photographs of the vessel (side view) and of auxiliary fishing vessels and of auxiliary aerial equipment for fish detection,
- diagram and detailed description of fishing gear used,
- document giving proof of authority for the owner's representative to sign this application.

.....
(Date of application)

.....
(Signature of owner's representative)

DAILY CATCH REPORT
(for all demersal trawlers)

Haul	(13)	No	No	No	No	No
Date	(14)					
Latitude	(15)					
Longitude	(16)					
Sounding (m)	(17)					
Duration (h)	(18)					
Total catch (kg)	(19)					

1. Carapau					
2. Sardinelas					
3. Espadas					
4. Marionga					
5. Cachucho					
6. Tico tico					
7. Dentão					
8. Bicuda					
9. Pescada					
10. Calafate					
11. Corvinas					
12. Dentinho					
13. Roncador					
14. Raias					
15. Tubarões					
16. Camarões					
17. Chocos					
18. Lulas					

Species	Whole	Fillets	Heads off

[illegible]

Appendix 3.2

TRIP

Radio call signal (1)	
Registration (2)	
Name of the vessel (3)	
Nationality (4)	
Owner (5)	

Date	Departure (6)	Arrival (7)
Port		
Skipper's name and signature (8)		

FISHING GEAR (Record the dimensions) (9)

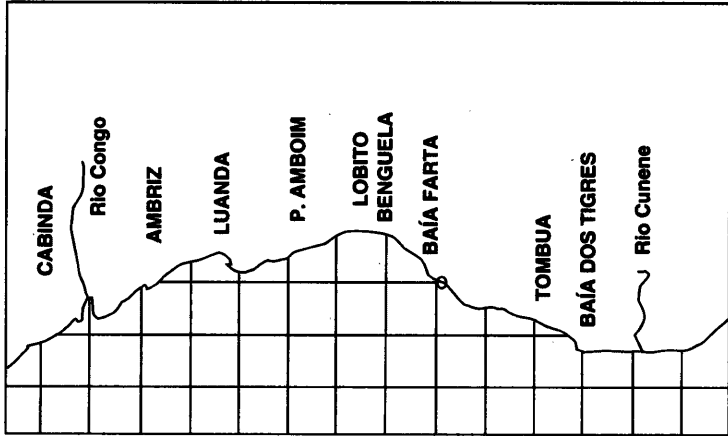
Gear	Headline (m) (g)	Footrope (m)	Codend mesh size (mm)
Demersal trawl (a)			
Pelagic trawl (b)			
Shrimp trawl (c)			
Seine (d)	Floatline	Depth (m)	
Longline (e)	Length (m)	No of hooks	
Gillnet/Trammel net (f)	Length (m)	Depth (m)	
Other (specify)			

MAIN SPECIES FISHED (please enter name or number) (10)

--	--

Please enter in the adjacent diagram the TOTAL NUMBER OF FISHING DAYS in each box (11)

TOTAL CATCH KG (Weight of all fish on board) (12)



DAILY CATCH REPORT
(for all shrimp vessels)

Haul	(13)	No	No	No	No	No	No
Date	(14)						
Latitude	(15)						
Longitude	(16)						
Sounding	(17)						
Duration	(18)						
Total catches (kg)	(19)						

1. Gamba						
2. Alistado						
3. Carabineiro						
4. Lagostinho						
5. Caranguejo						
6.						
7.						
8.						
9.						
10.						
11.						
12.						
13.						

Total of processed fish (kg)

Species	Nobbed	Other

[illegible]

Appendix 4.2

TRIP

Radio call signal (1)	
Registration (2)	
Name of the vessel (3)	
Nationality (4)	
Owner (5)	

Date	Departure (6)	Arrival (7)
Port		
Skipper's name and signature (8)		

FISHING GEAR (Record the dimensions) (9)

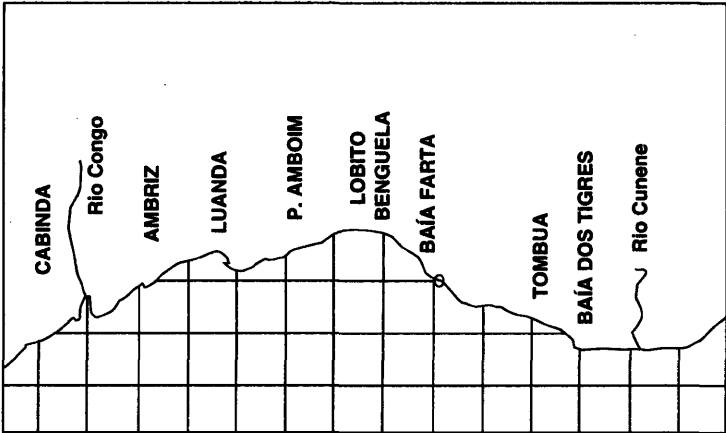
Gear	Headline (m) (g)	Footrope (m)	Codend mesh size (mm)
Demersal trawl (a)			
Pelagic trawl (b)			
Shrimp trawl (c)			
	Floatline	Depth (m)	
Seine (d)			
	Length (m)	No of hooks	
Longline (e)			
	Length (m)	Depth (m)	
Gillnet / Trammel net (f)			
Other (specify)			

MAIN SPECIES FISHED (please enter name or number) (10)

--	--

Please enter in the adjacent diagram the TOTAL NUMBER OF FISHING DAYS in each box (11)

TOTAL CATCH KG (Weight of all fish on board) (12)



MINISTÉRIO DAS PISCAS

DIÁRIO DE PESCA PARA ATUNEIRO

(TUNA BOATS FISHING LOG BOOK)

NOME DO NAVIO (VESSEL NAME)		TONELAGEM ARQUEAÇÃO BRUTA t (GROSS TONS)		PORTO (PORT)	
NACIONALIDADE (FLAG COUNTRY)		CAPACIDADE (TM) tm (CAPACITY - TM)		ANO (YEAR)	
Nº DE REGISTO (REGISTRATION No)		CAPTÃO ou MESTRE (CAPTAIN)		DIA (DAY)	
ARMADOR ou AFRETTADOR (COMPANY or OWNER)		Nº DE REGISTO (REGISTRATION No)		MES (MONTH)	
ENDERECO (ADDRESS)		DATA DE COMUNICAÇÃO (REPORTING DATE)		Nº DE DIAS DE PESCA (No of fishing days)	
COMUNICADO POR: (REPORTED BY)		Nº DE DIAS NO MAR (No of DAYS AT SEA)		Nº DE LANÇOS EFECTUADOS (No of sets made)	

[illegible]

1 — No fim de cada viagem enviar uma cópia do Diário de Pesca ao Ministério das Pescas.
(At the end of each trip forward a copy of the log to Ministry of Fisheries).

2 - "ÁREA" significa a posição da operação, com arredondamento dos minutos e registrando graus de latitude e longitude. (Fishing area refers to the position of the set. Round off minutes and record degrees of latitude and longitude).

3 - A última linha «Quantidade descarregada» deve ser preenchida só no fim da viagem. Deve ser registado o peso real na altura da descarga.
(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).

4 – Toda a informação aqui registrada será mantida estritamente confidencial.
(All information reported herein will be kept strictly confidential).