

COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 09.03.1998  
COM(1998) 129 final

98/0086 (CNS)

Proposal for a

COUNCIL DECISION

**on the conclusion of the Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol establishing the fishing possibilities and the financial compensation provided for in the Agreement between the European Community and the Government of the Republic of Guinea on fishing off the Guinean coast for the period 1 January 1998 to 31 December 1999**

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Proposal for a

COUNCIL REGULATION (EC)

**approving the Protocol establishing the fishing possibilities and the financial compensation provided for in the Agreement between the European Community and the Government of the Republic of Guinea on fishing off the Guinean coast for the period 1 January 1998 to 31 December 1999**

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(presented by the Commission)



## EXPLANATORY MEMORANDUM

The Protocol annexed to the fisheries agreement between the European Community and the Republic of Guinea expired on 31 December 1997. A new Protocol was initialled by the two parties on 11 December 1997 establishing the technical and financial conditions under which Community fishing vessels can fish in Guinea waters in the period 1 January 1998 to 31 December 1999.

The Commission is accordingly proposing that the Council should adopt:

- by means of a Decision, the draft Agreement in the form of an exchange of letters concerning the provisional application of the new Protocol pending its final entry into force,
  
- by means of a Regulation, the Protocol establishing the fishing opportunities and the associated technical and financial conditions agreed between the Community and Guinea-Bissau for the period 1 January 1998 to 31 January 1999.

PROPOSAL FOR A  
COUNCIL DECISION

**on the conclusion of the Agreement in the form of an Exchange of Letters  
concerning the provisional application of the Protocol establishing the  
fishing possibilities and the financial compensation provided for in the  
Agreement between the European Community and the Government of the  
Republic of Guinea on fishing off the Guinean coast for the period  
1 January 1998 to 31 December 1999**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Agreement between the European Community and the Government of the Republic of Guinea on fishing off the Guinean coast<sup>1</sup>, and in particular Article 15 thereof,

Having regard to the proposal from the Commission,

Whereas, in accordance with the second paragraph of Article 15 of the aforesaid Agreement, the Community and the Republic of Guinea have conducted negotiations to determine any amendments and additions to be made to the Agreement at the end of the period of application of the Protocol annexed thereto;

Whereas, as a result of those negotiations, a new Protocol was initialled on 11 December 1997;

Whereas, under that Protocol, Community fishermen enjoy fishing possibilities in the waters under the sovereignty or jurisdiction of the Republic of Guinea for the period 1 January 1998 to 31 December 1999;

Whereas, in order to avoid any interruption in the fishing activities of Community vessels, it is essential that the new Protocol be applied as soon as possible; whereas the two parties have accordingly initialled an Agreement in the form of an Exchange of

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<sup>1</sup> OJ L 111, 27.4.1983, p. 1.

Letters providing for the initialled Protocol to apply provisionally from the day following that on which the Protocol currently in force expires;

Whereas the Agreement in the form of an Exchange of Letters should be approved, pending a final decision taken under Article 43 of the Treaty,

Whereas the fishing possibilities should be apportioned among the Member States on the basis of the traditional allocation of fishing possibilities under the fisheries Agreement,

HAS DECIDED AS FOLLOWS:

#### **Article 1**

The Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol establishing the fishing possibilities and the financial compensation provided for in the Agreement between the European Community and the Government of the Republic of Guinea on fishing off the Guinean coast for the period 1 January 1998 to 31 December 1999 is hereby approved on behalf of the Community.

The texts of the Agreement in the form of an Exchange of Letters and of the Protocol are attached to this Decision.

#### **Article 2**

The fishing possibilities laid down in the Protocol shall be allocated among the Member States as follows:

- |    |                       |         |           |
|----|-----------------------|---------|-----------|
| a) | cephalopods/fin-fish: | Spain:  | 1 350 grt |
|    |                       | Italy:  | 1 200 grt |
|    |                       | Greece: | 1 450 grt |
| b) | shrimps:              | Spain:  | 700 grt   |

	Portugal:	200 grt
	Greece:	100 grt
c) tuna seiners:	France:	19 vessels
	Spain:	14 vessels
d) pole-and-line tuna vessels:	France:	8 vessels
	Spain:	5 vessels
e) surface longliners:	France:	3 vessels
	Spain:	23 vessels
	Portugal:	2 vessels.

If licence applications from those Member States do not exhaust the fishing possibilities established in the Protocol, the Commission may consider licence applications from any other Member State.

### Article 3

The President of the Council is hereby authorised 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 ,

For the Council

The President

AGREEMENT

**IN THE FORM OF AN EXCHANGE OF LETTERS CONCERNING THE  
PROVISIONAL APPLICATION OF THE PROTOCOL ESTABLISHING  
THE FISHING POSSIBILITIES AND THE FINANCIAL  
COMPENSATION PROVIDED FOR IN THE AGREEMENT BETWEEN  
THE EUROPEAN COMMUNITY AND THE GOVERNMENT OF THE  
REPUBLIC OF GUINEA ON FISHING OFF THE GUINEAN COAST FOR  
THE PERIOD 1 JANUARY 1998 TO 31 DECEMBER 1999**

A. Letter from the Government of the Republic of Guinea

Sir,

With reference to the Protocol, initialled on 11 December 1997, establishing the fishing possibilities and the financial compensation for the period 1 January 1998 to 31 December 1999, I have the honour to inform you that the Government of the Republic of Guinea is ready to apply that Protocol on a provisional basis from 1 January 1998, pending the entry into force of the Protocol in accordance with Article 7 thereof, provided that the European Community is prepared to do the same.

This is on the understanding that the first instalment of the financial consideration specified in Article 2 of the Protocol is paid by 30 June 1998.

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

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

For the Government of the Republic of 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 11 December 1997, establishing the fishing possibilities and the financial compensation for the period 1 January 1998 to 31 December 1999, I have the honour to inform you that the Government of the Republic of Guinea is ready to apply that Protocol on a provisional basis from 1 January 1998, pending the entry into force of the Protocol in accordance with Article 7 thereof, provided that the European Community is prepared to do the same.

This is on the understanding that the first instalment of the financial consideration specified in Article 2 of the Protocol is paid by 30 June 1998.

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

I have the honour to confirm the European Community's agreement to such provisional application.

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

On behalf of the Council the European Union



PROPOSAL FOR A  
COUNCIL REGULATION (EC)

98/0086 (CNS)

**approving the Protocol establishing the fishing possibilities and the financial compensation provided for in the Agreement between the European Community and the Government of the Republic of Guinea on fishing off the Guinean coast for the period 1 January 1998 to 31 December 1999**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament<sup>(1)</sup>,

Whereas, pursuant to the Agreement between the European Community and the Government of the Republic of Guinea on fishing off the Guinean coast<sup>(2)</sup>, the two Parties have conducted negotiations to determine any amendments and additions to be made to the Agreement at the end of the period of application of the Protocol annexed thereto;

Whereas, as a result of those negotiations, a new Protocol establishing the fishing possibilities and the financial compensation provided for in the abovementioned Agreement for the period 1 January 1998 to 31 December 1999 was initialled on 11 December 1997;

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

Whereas the fishing possibilities should be apportioned among the Member States on the basis of the traditional allocation of fishing possibilities under the fisheries Agreement,

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(1) OJ

(2) OJ L 111, 27.4.1983, p.1.

HAS ADOPTED THIS REGULATION:

**Article 1**

The Protocol establishing the fishing possibilities and the financial compensation provided for in the Agreement between the European Community and the Government of the Republic of Guinea on fishing off the Guinean coast for the period 1 January 1998 to 31 December 1999 is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Regulation.

**Article 2**

The fishing possibilities laid down in the Protocol shall be allocated among the Member States as follows:

a)	cephalopods/fin-fish:	Spain:	1 350 grt
		Italy:	1 200 grt
		Greece:	1 450 grt
b)	shrimps:	Spain:	700 grt
		Portugal:	200 grt
		Greece:	100 grt
(c)	tuna seiners:	France:	19 vessels
		Spain:	14 vessels
d)	pole-and-line tuna vessels:	France:	8 vessels
		Spain:	5 vessels
e)	surface longliners:	France:	3 vessels
		Spain:	23 vessels
		Portugal:	2 vessels.

If licence applications from those Member States do not exhaust the fishing possibilities established in the Protocol, the Commission may consider licence applications from any other Member State.

**Article 3**

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

**Article 4**

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

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

Done at

For the Council

The President



consideration referred to in Article 2 shall be increased proportionately, *pro rata temporis*.

#### **Article 4**

Of the overall financial compensation established in Article 2(1), the following measures shall be financed to the amount of ECU 1 400 000 in the first year and ECU 1 850 000 in the second year, according to the following breakdown:

1. scientific and technical programmes to improve knowledge of fishery and biological resources within Guinea's fishing zone: ECU 450 000;
2. support for fishery surveillance bodies: ECU 800 000;
3. support for artisanal fishing: ECU 320 000;
4. institutional support for the Ministry of Fisheries: ECU 800 000;
5. awards for study, practical training and seminars in the various scientific, technical and economic disciplines relating to fisheries: ECU 390 000;
6. Guinea's contribution to international fisheries organisations: ECU 100 000;
7. costs of Guinean delegates' participation in international meetings on fisheries: ECU 390 000.

The measures and the annual amounts allocated thereto shall be decided on by the Ministry of Fisheries, which shall inform the Commission thereof.

The annual amounts shall be made available to the bodies concerned by 30 June each year at the latest. The Government of the Republic of Guinea shall provide the bank account numbers to be used for such payments.

The Ministry of Fisheries shall forward an annual report to the Delegation of the European Commission on the implementation of the measures and the results obtained. The Commission reserves the right to ask the Ministry of Fisheries for any additional information on the results and to reconsider the payments concerned should the measures not be implemented.

#### **Article 5**

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

#### **Article 6**

The Annex to the Agreement between the Government of the Republic of Guinea and the European Community on fishing off the Guinean coast is repealed and replaced by the Annex hereto.

## Article 7

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

It shall apply from 1 January 1998.

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## ANNEX

### **Conditions governing fishing by Community vessels in Guinea's fishing zone**

#### **A. Licence application and issuing formalities**

At least 30 days before the date on which the requested term of validity commences, the competent Community authorities are to present an application for each vessel that is to be used for fishing under the Agreement to the Ministry of Fisheries via the Delegation of the European Commission in Guinea.

The applications are to be made out using the forms provided for that purpose by the Ministry of Fisheries, a specimen of which is attached hereto (Appendix 1).

Licence applications are to be accompanied by proof of payment of the fee covering the licence's term of validity. Payment is to be made into an account opened with the Public Treasury of Guinea.

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

Within 30 days of receipt of proof of payment as referred to above, the licences for all vessels will be issued by the Ministry of Fisheries to the shipowners or their representatives via the Delegation of the European Commission in Guinea.

The following annual periods serve to determine the term of validity of licences:

first period: 1 January to 31 December 1998

second period: 1 January to 31 December 1999.

Licences cannot commence running during one annual period and expire during the following annual period.

Licences are issued for specific vessels and are not transferable. However, at the request of the Community and where force majeure is proven, a vessel's licence will be replaced by a new licence for another vessel whose features are similar to those of the first vessel. The owner of the vessel to be replaced is to return the cancelled licence to the Ministry of Fisheries via the Delegation of the European Commission in Guinea.

The new licence must state:

- the date of issue,

- the term of validity of the new licence, covering the period from the date of arrival of the replacement vessel to the date of expiry of the licence of the replaced vessel.

In the event of replacement, no fee as referred to in Article 5(2) of the Agreement is due for the unexpired period of validity.

Licences must be held on board at all times.

#### I. Provisions applicable to trawlers

1. Vessels must put into the port of Conakry once a year before licences are issued so that the regulation inspection can be carried out. This inspection is to be carried out by duly authorised persons only and must take place within 24 working hours of the vessel's arrival in port, providing notice of arrival has been given at least 48 working hours in advance: Where licences are renewed within the calendar year, the vessels need not undergo a second inspection.

The costs of technical inspections are to be borne by the shipowners and cannot exceed ECU 250 per vessel per year.

2. Each vessel must be represented by an agent of Guinean nationality established in Guinea.
3. a) Licences are issued for three, six or twelve months and are renewable. The term of validity of licences must be taken into account when calculating the utilisation of the fishing possibilities granted under Article 1 of the Protocol.  
b) The fees to be paid by shipowners, expressed in ecus per gross registered tonne, are as follows:

- for annual licences:

	first year	second year
fin-fish trawlers:	126	132
cephalopod trawlers:	150	158
shrimp trawlers:	152	160



– for six-month licences:

	first year	second year
fin-fish trawlers:	65	68
cephalopod trawlers:	77	81
shrimp trawlers:	78	82

– for three-month licences:

	first year	second year
fin-fish trawlers:	33	35
cephalopod trawlers:	39	41
shrimp trawlers:	40	42

However, an additional fee of ECU 30 per grt per year is payable by vessels failing to land 200 kg of fish per grt per year in accordance with Part C.

## II. Provisions applicable to tuna vessels and surface longliners

Licences must be kept on board at all times; however, fishing is authorised on receipt of the notification of payment of the advance forwarded by the Commission to the Guinean Ministry of Fisheries. Furthermore, pending receipt of the original of the licence, a copy of the licence drawn up can be sent by fax for keeping on board.

Fees amount to ECU 20 per tonne per year caught within Guinea's fishing zone.

Licences are to be issued following payment to the Ministry of Fisheries of a lump sum of ECU 1 800 per year for each tuna seiner, ECU 300 per year for each pole-and-line tuna vessel and ECU 500 per year for each surface longliner, covering the fees for:

- 90 tonnes of tuna caught per year in the case of seiners,
- 15 tonnes of tuna caught per year in the case of pole-and-line tuna vessels,
- 25 tonnes of tuna caught per year in the case of surface longliners.

The final statement of the fees due for the fishing period is to be drawn up by the Commission at the end of each calendar year on the basis of the catch statements made for each vessel and confirmed by the scientific institutes responsible for verifying catch data, such as the Institut Français de Recherche Scientifique pour le Développement en Coopération (Orstom) and the Instituto Español de Oceanografía (IEO), in cooperation with the Centre National des Sciences Halieutiques de Boussoura (CNSHB). The statement is to be forwarded simultaneously to the Ministry of Fisheries and to the shipowners. No later than 30 days after the final statement is notified, any additional charges due are to be paid by the shipowners to the Ministry of Fisheries using the account opened with the Public Treasury of Guinea.

However, if the final statement is lower than the abovementioned advance, the resulting balance will not be reimbursed.

#### B. Statements of catch

All Community vessels authorised under the Agreement to fish in Guinea's fishing zone are required to declare their catches to the Ministry of Fisheries, with a copy to the Delegation of the European Commission in Guinea, as follows:

- trawlers must declare their catches using the specimen statement attached hereto (Appendix 2). Statements of catch must be drawn up each month and presented at least once each quarter;
- tuna seiners, pole-and-line tuna vessels and surface longliners must keep fishing logs using the form in Appendix 3 for each fishing period spent in Guinea's fishing zone. Within 45 days of the end of the fishing period spent in Guinea's fishing zone, the forms must be sent to the Ministry of Fisheries via the Delegation of the European Commission in Guinea.

Forms must be completed legibly and must be signed by the master of the vessel.

Should this provision not be complied with, the Ministry of Fisheries reserves the right to suspend the licences of offending vessels until the formality has been completed. The Delegation of the European Commission in Guinea is to be notified of such cases.

Where applicable, the Joint Committee provided for in Article 10 of the Agreement is to consider equipping Community fishing vessels with facilities for the electronic transmission of data covering fishing operations.

C. Landing of catches

As a contribution towards supplying the local population with fish caught in Guinea's fishing zone, trawlers authorised to fish in Guinea's fishing zone are required to land 200 kg of fish per grt per year free of charge.

Landings may be made individually or collectively, mention being made of the vessels concerned.

D. By-catches

Crustaceans held on board fin-fish trawlers may not account for more than 9% nor cephalopods for more than 9% of their total catch in Guinea's fishing zone.

Crustaceans held on board cephalopod trawlers may not account for more than 15% of their total catch in Guinea's fishing zone.

Fish held on board shrimp trawlers may not account for more than 30% nor cephalopods for more than 20% of their total catch in Guinea's fishing zone.

E. Signing-on of seamen

Owners holding fishing licences issued under the Agreement are to contribute to the practical vocational training of Guinean nationals, subject to the conditions and limits set out below:

- 1) Each trawler owner must undertake to employ:
  - two Guinean seamen on vessels of up to 200 grt,
  - three Guinean seamen on vessels of more than 200 grt but not more than 350 grt,
  - four Guinean seamen on vessels of more than 350 grt.
- 2) For the fleet of tuna seiners, six Guinean seamen must be signed on permanently.
- 3) For the fleet of pole-and-line tuna vessels, five Guinean seamen must be signed on for the duration of the vessels' actual presence in Guinean waters, all of them to be assigned to different vessels.
- 4) For the fleet of surface longliners, the shipowners must undertake to employ two Guinean seamen per vessel for the duration of the vessels' actual presence in Guinean waters.

- 5) The wages of these Guinean seamen are to be fixed before the licences are issued, by mutual agreement between the shipowners or their representatives and the Ministry of Fisheries; the wages are to be paid by the shipowners and must include the seamen's social security contributions (including life, accident and health insurance).

Should the seamen not be signed on, the owners of tuna seiners, pole-and-line tuna vessels and surface longliners are required to pay the Ministry of Fisheries a lump sum equivalent to the wages of the seamen not signed on in accordance with points 2, 3 and 4 above.

That sum is to be used for the training of Guinean sea fishermen and must be paid into an account specified by the Ministry of Fisheries.

#### F. Observers

1. The observer's task is to check on fishing activities in Guinea's fishing zone and to collect all statistical data on fishing operations by the vessel concerned. Observers must be granted every facility needed to carry out their duties, including access to premises and documents and must in particular be allowed to report fishing data by radio once a week.
2. All trawlers must take on board an observer appointed by the Ministry of Fisheries.

Observers must not normally remain on board for more than two trips.

3. At the request of the Ministry of Fisheries, addressed to the European Commission, tuna vessels and surface longliners must take on board an observer, who must not remain on board any longer than is necessary to accomplish his duties.

The masters of vessels must facilitate the work of the observers, who must be accorded the conditions enjoyed by the vessels' officers.

The travelling costs of observers taken on board in foreign ports are to be borne by the shipowner.

4. The wages and social insurance contributions of observers are to be paid by the Ministry of Fisheries.

In the case of trawlers, shipowners are to pay ECU 15 to the Centre National de Surveillance des Pêches (CNSP) for each day an observer spends on board as a contribution towards the expenses arising from the observer's presence on board.

5. Should a vessel with a Guinean observer on board leave Guinea's fishing zone, all steps must be taken for his return to Conakry as soon as possible at the expense of the shipowner.

#### **G. Inspection and monitoring**

Community vessels fishing in Guinea's fishing zone must permit and assist any Guinean officials responsible for inspection and monitoring to board the vessel and carry out their duties on board. The officials must not remain on board any longer than is necessary to verify catches by random checks and to conduct any other inspection relating to fishing activities.

#### **H. Fishing zones**

All the vessels referred to in Article 1 of the Protocol are authorised to fish in waters beyond 10 nautical miles.

#### **I. Meshes authorised**

The minimum mesh size authorised for the cod end (mesh stretched) is:

- a) 40 mm for shrimps;
- b) 70 mm for cephalopods;
- c) 70 mm for fin-fish;
- d) 16 mm for fishing for live bait.

These mesh sizes also apply to trawls used for fishing with outriggers.

#### **J. Entering and leaving the zone**

Community vessels fishing under the Agreement in Guinea's fishing zone must report the date and time and their position each time they enter and leave Guinea's fishing zone to the radio station of the Centre National de Surveillance des Pêches (CNSP).

The CNSP will inform the shipowners of the call sign and operating frequencies of the station at the time the licence is issued.

Where they cannot communicate this information by radio, vessels may use alternative means, such as fax (CNSP: 1-212-4794-885; Ministry of Fisheries: 224-41 35 23).

## **K. Boarding of vessels**

1. The Delegation of the European Commission in Guinea must be notified within 48 hours of any fishing vessel flying the flag of a Member State of the Community and operating under an Agreement between the Community and a third country that is boarded within Guinea's fishing zone and must at the same time be sent a summary report of the circumstances surrounding, and the reasons leading to, the boarding.
2. In the case of vessels authorised to fish in Guinean waters, before any measures are considered with regard to the vessel's master or crew or any action is contemplated with regard to its cargo and equipment other than to safeguard evidence relating to the alleged infringement, a conciliation meeting is to be held within 48 hours of receipt of the abovementioned information between the Delegation of the European Commission, the Ministry of Fisheries and the inspection authorities, possibly attended by a representative of the Member State concerned.

At the meeting, the parties will exchange any relevant documentation and information, and in particular automatically recorded data showing the vessel's positions during the trip up to the time of boarding, that may help clarify the circumstances surrounding the facts.

The shipowner or his representative is to be informed of the outcome of the meeting and of any measures resulting from the boarding.

3. Before any judicial proceedings are initiated, an attempt must be made to resolve the matter of the alleged infringement by compromise. Should no compromise be reached, that attempt is to be abandoned no later than three working days after the boarding.
4. Should no compromise be reached and the case consequently be brought before a competent judicial body, pending the judgment a bank security payable by the shipowner is to be set by the competent authorities within 48 hours of abandonment of the attempt to reach a compromise. The security must not exceed the maximum penalty laid down for such an infringement under national law. Where the master of the vessel concerned is not found guilty, the bank security is to be refunded to the shipowner by the competent authorities as soon as the case is settled.

5. The vessel and crew are to be released:

- when the conciliation meeting is closed if the outcome so permits,
- once the obligations arising from the compromise reached have been fulfilled,  
or
- once the bank security is lodged (in connection with judicial proceedings).

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[REDACTED]

*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 and 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 of Fisheries

Appendix 2

OFFICE OF THE SECRETARY OF STATE FOR FISHERIES

STATISTICS ON CATCH AND ACTIVITY

Month:

Year:

Name of vessel:	
Nationality (flag):	

Engine rating:	
Gross registered tonnage:	

Fishing method:	
Port of landing:	

Date	Fishing zone		Number of fishing operations	Number of fishing hours	Species of fish							Totals	
	Longitude	Latitude											
1/													
2/													
3/													
4/													
5/													
6/													
7/													
8/													
9/													
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## FINANCIAL STATEMENT

### 1. TITLE OF OPERATION

New Protocol to EC-Guinea fisheries Agreement establishing the fishing possibilities and the financial compensation

### 2. BUDGET HEADING INVOLVED

B7-8000

### 3. LEGAL BASIS

- Article 43 of the Treaty, in conjunction with Article 228(2) and the first subparagraph of Article 228(3) thereof
- EC-Guinea Agreement (OJ L 111, 27.4.1983)

### 4. DESCRIPTION OF OPERATION

#### 4.1 General objective

Protocol and Annex for a two-year period

#### 4.2 Period covered and arrangements for renewal or extension

1 January 1998 to 31 December 1999

Procedure for renewal: negotiation prior to expiry of Protocol

### 5. CLASSIFICATION OF EXPENDITURE OR REVENUE

#### 5.1 Compulsory expenditure

#### 5.2 Differentiated appropriations

#### 5.3 Type of revenue involved



### 6. TYPE OF EXPENDITURE

- **Other:** financial compensation for a third country in exchange for fishing possibilities granted by the latter and set out in the Protocol

### 7. FINANCIAL IMPACT

#### 7.1 Method of calculating total cost of operation (definition of unit costs)

See Annex to Protocol

## 7.2 Itemised breakdown of cost

CA (ECU million (current))

Breakdown	1998	1999	TOTAL
Financial consideration - Article 2	1.4	1.85	3.25
Appropriations - Article 4 <sup>1</sup>	1.4	1.85	3.25
<b>TOTAL</b>	<b>2.8</b>	<b>3.7</b>	<b>6.50</b>

## 7.3 Indicative schedule of appropriations for proposed new operation

(ECU million (current))

	1998	1999	TOTAL
<b>Commitment appropriations</b>	<b>2.8</b>	<b>3.7</b>	<b>6.5</b>
<b>Payment appropriations</b>			
1998	2.8 <sup>2</sup>		2.8
1999		3.7 <sup>3</sup>	3.7
<b>TOTAL</b>	<b>2.8</b>	<b>3.7</b>	<b>6.5</b>

<sup>1</sup> Scientific and technical programmes: ECU 450 000  
Maritime surveillance: ECU 800 000  
Support for artisanal fishing: ECU 320 000  
Institutional support for Ministry of Fisheries: ECU 800 000  
Training: ECU 390 000  
Contribution to international organisations: ECU 100 000  
Participation in international meetings: ECU 390 000.

<sup>2</sup> Estimates:  
ECU 1.4 million by way of the financial consideration under Article 2 and ECU 1.4 million in appropriations under Article 4.

<sup>3</sup> ECU 1.85 million by way of the financial consideration under Article 2 and ECU 1.85 million in appropriations under Article 4.



**[REDACTED]**

**8. FRAUD PREVENTION MEASURES; RESULTS OF MEASURES TAKEN**

Since it constitutes payment for a service (the possibility of fishing), the financial consideration paid by the Community is to be used by the authorities of the third country as they see fit, subject only to the forwarding of reports on the use of certain appropriations to the Community in accordance with the provisions of each Agreement. In the case of Guinea, an annual report must be submitted on the implementation of all the measures covered by Article 4 of the Protocol and the results achieved; payments may be reconsidered in the light of the actual implementation of the various measures.

Furthermore, the Member States must guarantee the accuracy of figures on vessels' tonnage certificates so the calculation of the financial consideration (and fees) is not open to dispute. To that end, the Agreement provides for statements of catches by Community vessels.

**9. ELEMENTS OF COST-EFFECTIVENESS ANALYSIS**

Category	1996-97		1998-99
	Fishing possibilities (grt)	Rate of utilisation	Fishing possibilities (grt)
<u>Trawlers:</u>			breakdown
- of which shrimp trawlers		1996: 20%	1 000
- of which fin-fish and cephalopod trawlers	5 000 (sole category)	1997: 60%	4 000
Tuna seiners	28 vessels	91%	33 vessels
Polc-and-line tuna vessels	7 vessels	86%	13 vessels
Surface longliners	7 vessels	79%	28 vessels
Total tuna vessels	42 vessels		74 vessels

The EC-Guinea Agreement granted up to 12 000 grt worth of fishing possibilities until 1993. Competition from illegal fishing turned Community vessels away from the Agreement and induced the Community to reduce its trawler fishing possibilities to 5 000 grt under the last Protocol applying, with a proportional reduction in the financial consideration borne by the EC budget. In 1996, the new authorities in Guinea set about improving conditions in the fisheries sector, which entailed in particular the rational management of access to resources and better scientific indices for stocks available for fishing. This new situation had the positive effect of enticing a significant number of Community vessels to return to local waters in 1997, as confirmed by overall applications for trawler fishing possibilities submitted

**[REDACTED]**

[REDACTED]

by Community shipowners under the forthcoming Protocol, which cover a total of 8 840 grt, i.e. more than the 5 000 grt in the current Protocol. Guinea also has a significant cephalopod catch potential. This is already being fished at present and will be very useful during biological recovery periods provided for in Agreements with neighbouring countries (Morocco, Mauritania and, where applicable, Senegal), or as an area for redeploying the cephalopod fishing fleet should any reduction in the fishing possibilities under the Agreement with Morocco exclude it from Moroccan waters.

For the sake of caution and with an eye to the stringency demanded by the Council (in the conclusions of the Council meeting on fisheries of 30 October 1997), the Community has limited its purchases of trawler fishing possibilities for 1998-99 to the previous level of 5 000 grt, albeit specifying the categories so Guinea can draw up its annual fishing plans more easily.

Although the fishing possibilities remain stable, the Agreement should be reassessed in financial terms since, fishing conditions being comparable at subregional level, the financial conditions per grt offered Guinea should be brought into line, in accordance with the consistency sought by the Council, with those the Community has granted neighbouring countries, bearing in mind the specific character of the resources (biologically and in terms of commercial value) available in Guinea's fishing zone. In view of the scale of the adjustment involved (from ECU 400/grt (under the last Protocol) to ECU 740/grt), harmonisation has been spread over two years and will only become effective in 1999. This explains the increase in the financial consideration during the two years covered by the Protocol and the fact that the overall financial compensation rises from ECU 4.0 million to ECU 6.5 million for two years. The Guinean authorities have also refused to consider a protocol covering more than two years as the Community would have liked.

Tuna fishing possibilities rise from 42 to 74 vessels. The Agreement also allows nearly 100 vessels into Guinea's EEZ (approximately 25 trawlers and 74 tuna vessels) compared with the 67 vessels in the previous Protocol.

ECU 3.25 million has been earmarked for measures to develop fishing (scientific research, maritime surveillance, training, support for artisanal fishing, etc.). These measures account for 50% of the total cost of the Agreement as compared with 40% under the previous Protocol, bearing witness to the Commission's desire to ensure that, alongside the development of fishing activities by Community vessels, there is sustainable development of the Guinean fisheries industry and closer monitoring of the implementation of measures (cf. Article 4 of the Protocol).

Shipowners' fees are increased by 5% from 1 January 1999. The advances paid by tuna vessel owners for tuna fishing licences will also rise to:

- ECU 1 800 from ECU 1 500 for tuna seiners;
- ECU 500 from ECU 300 for surface longliners,

with a view to strengthening the sense of responsibility of owners.

As regards the benefit of the Agreement, given the commercial value of the cephalopods, shrimps and demersal fish that can be caught in Guinea under the

[REDACTED]

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Agreement, the value of catches far exceeds the cost (ECU 6.5 million) of the Agreement.

On top of the direct commercial value of the catches, the Agreement has the following advantages:

- guaranteed jobs on board fishing vessels,
- multiplier effect on employment in ports, fish auctions, processing plants, shipyards and service industries in the regions concerned,
- job creation in regions where there is no alternative to fisheries,
- supply of fishery products to the Community market.

Naturally, in addition to these advantages, account should be taken of the importance of the EU's relations with the Republic of Guinea at political level as well as for the fishing industry.

**10. ADMINISTRATIVE EXPENDITURE (PART A OF THE BUDGET)**

No impact on administrative expenditure.

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