

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 setting out, for the period from 3 August 2002 to 2 August 2004, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Government of the Republic of Angola on fishing off Angola

(2002/C 331 E/52)

COM(2002) 492 final

(Submitted by the Commission on 2 October 2002)

EXPLANATORY MEMORANDUM

The protocol annexed to the fisheries agreement between the EC and the Republic of Angola expired on 2.5.2002, but was prolonged until 2.8.2002 while the negotiations to renew the protocol were continuing. These negotiations resulted in the initialling of a new protocol in Luanda on 30 June 2002.

The new Protocol will be the ninth since the entry into force of the fisheries agreement between the EC and Angola in 1987. In terms of fishing opportunities for Community vessels it is the second most important agreement after Mauritania. It should also be noted that for tuna, the Agreement with Angola is an integral part of the network of agreements on tuna covering the Atlantic zone, which allows the Community fleet to follow straddling stocks.

The new protocol covers the period from 3 August 2002 to 2 August 2004. It grants fishing opportunities for 33 tuna vessels, 22 shrimp vessels and 4 200 GRT per month of demersal trawlers, compared with opportunities for 43 tuna vessels, 22 shrimp vessels and 3 750 GRT per month of demersal trawlers under the previous protocol. These levels were fixed on the basis of the conclusions of a group of Angolan and Community scientists, which met in Luanda to review the scientific information on the state of the resources at the same time as the third and final round of negotiations were being conducted.

The financial contribution has been increased to EUR 15 500 000 per year compared with EUR 13 975 000 per year in the previous protocol. The increase is justified by the increase in demersal opportunities and by the establishment of a partnership with Angola to encourage responsible and sustainable fisheries. Under this partnership, 36 % of the financial contribution is earmarked to finance the development of scientific research, surveillance, artisanal fisheries and local fishing communities, training and aquaculture, and will ensure greater coherence between the fisheries and development policies at Community level.

In order to ensure that the level of fishing under the terms of the protocol remains consistent with the responsible management of the resources, a scientific meeting will be held once per year to monitor the state of the stocks. Based on the results of these meetings, the fishing opportunities under the protocol will, if necessary, be revised.

The Angolan authorities decided to reduce the number of Community tuna vessels having access to Angolan waters from 43 vessels to 33 vessels. This is probably because other partners have offered to finance the construction of onshore tuna processing facilities in return for access to the tuna resources in Angolan waters. This reduction does not however call for a reduction of the financial compensation, since this is calculated only on the basis of the shrimp and demersal opportunities. There is no additional charge to the Community for the access of the tuna vessels, but instead the shipowners pay per tonne of the actual catches

In view of the above, the new protocol is considered to be good value for money. Moreover, the establishment of a partnership with Angola and the annual scientific reviews of the state of the stocks will encourage the responsible and sustainable exploitation of the resources to the mutual benefit of the Community and Angola.

The Commission proposes, on this basis, that the Council adopt by decision the draft Agreement in the form of an Exchange of Letters concerning the provisional application of the new Protocol pending its definitive entry into force.

A proposal for a Council regulation on the conclusion of the new Protocol is the subject of a separate procedure.

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) In accordance with the Agreement between the European Economic Community and the Government of the Republic of Angola on fishing off Angola ⁽¹⁾, the two parties held negotiations to determine any amendments or additions to be made to the Agreement at the end of the period of application of the Protocol annexed thereto.
- (2) As a result of these negotiations, a new Protocol was initialled on 30 June 2002.
- (3) The Protocol provides Community fishermen with fishing opportunities in waters under the sovereignty or jurisdiction of Angola from 3 August 2002 to 2 August 2004.
- (4) In order to ensure uninterrupted fishing activities by Community vessels, it is essential that the new Protocol be approved as quickly as possible. To this end, the two parties initialled an Agreement in the form of an Exchange of Letters providing for the provisional application of the initialled Protocol from 3 August 2002.
- (5) The method of allocating the fishing opportunities among the Member States should be defined on the basis of the traditional allocation of fishing opportunities under the Fisheries Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol setting out, for the period from 3 August 2002 to 2 August 2004, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Government of the Republic of Angola on fishing off Angola 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 opportunities fixed in the Protocol shall be allocated among the Member States as follows:

- shrimp vessels:
 - Spain: 6 550 GRT per month, averaged over the year, 22 vessels
- demersal fishing vessels:
 - Spain: 1 850 GRT per month, averaged over the year
 - Portugal: 1 100 GRT per month, averaged over the year
 - Italy: 750 GRT per month, averaged over the year
 - Greece: 500 GRT per month, averaged over the year
- freezer tuna seiners:
 - France: 6 vessels
 - Spain: 9 vessels
- surface longliners:
 - Portugal: 4 vessels
 - Spain: 14 vessels
- pelagic fishing vessels:
 - Netherlands and/or Ireland: 2 vessels

If licence applications from these Member States do not cover all the fishing opportunities fixed by 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.

⁽¹⁾ OJ L 341, 3.12.1987, p. 2.

AGREEMENT

in the form of an Exchange of Letters concerning the provisional application of the Protocol setting out, for the period from 3 August 2002 to 2 August 2004, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Government of the Republic of Angola on fishing off Angola

A. Letter from the Government of the Republic of Angola

Sir,

With reference to the Protocol initialled on 30 June 2002 setting out the fishing opportunities and financial contribution for the period 3 August 2002 to 2 August 2004, I have the honour to inform you that the Government of the Republic of Angola is prepared to apply the Protocol on a provisional basis with effect from 3 August 2002, pending its entry into force, provided that the European Community is prepared to do the same.

Should this be the case the first payment of the financial compensation provided for in Article 3 of the Protocol is to be made before 30 November 2002.

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 Angola

B. Letter from the European Community

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 30 June 2002 setting out the fishing opportunities and financial contribution for the period 3 August 2002 to 2 August 2004, I have the honour to inform you that the Government of the Republic of Angola is prepared to apply the Protocol on a provisional basis with effect from 3 August 2002, pending its entry into force, provided that the European Community is prepared to do the same.

Should this be the case the first payment of the financial compensation provided for in Article 3 of the Protocol is to be made before 30 November 2002.

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 European Community

PROTOCOL

Setting out, for the period from 3 August 2002 to 2 August 2004, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Government of the Republic of Angola on fishing off Angola

Article 1

From 3 August 2002, 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)

Catches by Community vessels may not exceed 5 000 tonnes of shrimps and prawns, including 30 % of prawns and 70 % of shrimps.

2. Demersal vessels (trawlers, bottom longliners and fixed gillnets): 4 200 GRT per month, as an annual average.

Fishing for *Centrophorus granulosus* is prohibited.

3. Fishing for pelagic species: 2 vessels

This type of fishing shall, because of its nature, be subject to a trial period of six months.

4. Freezer tuna seiners: 15 vessels

5. Surface longliners: 18 vessels

These limits on fishing opportunities may be raised if Community shipowners are prepared to contribute to the improvement of Angola's fisheries industry, in which case the two parties, meeting as a Joint Committee, will decide jointly on the additional fishing opportunities and the financial compensation.

Article 2

After the trial period of fishing for pelagic species and on the basis of the results achieved and the scientific opinions available, the two parties will, within the framework of the Joint Committee and following a meeting of the Joint Scientific Group referred to in Article 6, decide on the fishing opportunities for pelagic species for the remaining years of this Protocol and the financial compensation payable in return for those opportunities.

Article 3

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 set at EUR 15 500 000 per year (EUR 9 975 000 per year of financial compensation proper and EUR 5 525 000 for the measures referred to in Article 3

of the Protocol) in return for the fishing opportunities set out in Article 1.

The financial compensation shall be paid into an account designated by the Ministry of Finance via the Fisheries and Environment Ministry.

The financial compensation shall be paid not later than 30 November of the first year of the Protocol and not later than the anniversary date of the Protocol the following year.

2. If vessels withdraw from the Agreement and the Angolan authorities do not agree to their replacement by other vessels, the resulting reduction in fishing opportunities for the Community shall entail a proportional adjustment of the financial compensation provided for in paragraph 1.

3. Angola shall have full discretion regarding the use to which the financial compensation is put.

Article 4

With a view to ensuring the development of sustainable and responsible fishing the two parties will, in their mutual interest, set up a partnership for the purpose in particular of encouraging: better knowledge of fishery and biological resources; quality control; marketing and obtaining the best return from fishery products; fisheries control; the development of non-industrial fishing; fishing communities; and training.

The breakdown of the EUR 5 525 000 earmarked for the measures provided for in Article 3(1) each year shall be as follows:

1. Scientific and technical programmes intended to improve knowledge of fishery and biological resources in Angola's fishing zone: EUR 750 000
2. Quality control programme: EUR 350 000
3. Support programme for marketing and obtaining the best return from fisheries products: EUR 250 000
4. Support programme for fisheries surveillance: EUR 775 000
5. Programme for the development of non-industrial fishing and the support of fishing communities: EUR 1 150 000
6. Programme of institutional support for the Fisheries and Environment Ministry: EUR 500 000

7. Programme to finance fisheries schools, study grants, practical training in the various scientific, technical and economic disciplines related to fisheries and participation in international organisations, seminars, symposia and workshops: EUR 1 500 000

8. Programme to encourage the development of aquaculture: EUR 250 000

The Fisheries and Environment Ministry shall decide on the measures and the annual amounts allocated thereto and shall keep the Commission of the European Communities informed.

The annual amounts shall be made available to the bodies concerned in an account designated by the Ministry of Finance via the Fisheries and Environment Ministry, not later than 30 November for the first year and, thereafter, on the anniversary date of the Protocol.

The Fisheries and Environment Ministry shall, three months after the anniversary date of the Protocol, provide the Commission of the European Communities with written information on the implementation of the Protocol and the results achieved. The European Community may, in the light of the actual implementation of the measures and after consulting the Angolan authorities, review the payments concerned.

Article 5

In the event of a significant change in the conditions of exploitation of fisheries resources in Angola's EEZ which prevents the exercise of fishing activities, the payment of the financial

contribution by the European Community may be interrupted subject to the prior agreement of both parties.

Article 6

A joint scientific meeting shall be held annually to look into questions relating to the sustainable management of fishery resources.

Article 7

The implementation of the Agreement may be suspended if the Community fails to make the payments provided for in Articles 2, 3 and 4 within the time limits laid down.

Article 8

All activities of vessels operating under this Protocol and the annexes thereto, in particular transshipment and the consumption of ship's supplies (food and fuel), shall be governed by the laws applicable in the Republic of Angola.

Fishery products caught by Community vessels operating under the terms of the Agreement shall, for the purposes of this Protocol, be regarded as being of Community origin.

Article 9

This Protocol shall enter into force after both parties have given notification of the conclusion of their respective approval procedures.

ANNEX A

CONDITIONS GOVERNING THE FISHING ACTIVITIES OF COMMUNITY VESSELS IN ANGOLAN WATERS

1. Applications for licences and formalities for their issuance

- 1.1. The Commission of the European Communities shall, via its Delegation in Angola, present to Angola's fisheries authorities one application per vessel for each shipowner wishing to fish under the terms of this Agreement. It shall do so 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 set out in Appendix 1 and Appendix 2. On first application the form shall be accompanied by a tonnage certificate for the vessel concerned. Each application shall be accompanied by proof of payment of the fee covering the period of validity of the licence.
- 1.2. For the purposes of this Protocol fishery products caught by Community vessels fishing under the terms of this Agreement shall be regarded as being of Community origin.
- 1.3. Each licence shall be issued to a shipowner for a specific vessel. In proven cases of *force majeure*, the licence for a vessel shall, at the request of the Commission of the European Communities, be replaced by another licence, for a Community vessel of a similar type.
- 1.4. Licences shall be issued by the Angolan authorities to the skipper of the vessel, at the port of Luanda, after the vessel has been inspected by the competent authority.
- 1.5. The Delegation of the Commission of the European Communities in Angola shall be notified of the licences issued by Angola's fisheries authorities.
- 1.6. Licence must be kept on board at all times. However, in the case of tuna vessels and surface longliners, the vessel shall be entered on the list of authorised fishing vessels as soon as notification is received that the European Commission has paid the advance to the Angolan authorities and the list shall be communicated to the Angolan authorities responsible for fisheries surveillance. Pending receipt of the actual licence, a copy may be obtained by fax which must be kept on board.
- 1.7. Licences shall be valid for one year.
- 1.8. Each vessel shall be represented by an agent who is officially resident in Angola and is approved by the Fisheries and Environment Ministry.
- 1.9. The Angolan authorities shall, as soon as possible, communicate details of the bank accounts and currencies to be used for payments under this Agreement.

2. Fees**2.1. Provisions applicable to shrimp vessels and demersal fishing vessels**

The licence fee shall be:

- EUR 52/month per GRT for shrimp vessels,
- EUR 220/year per GRT for demersal vessels.

- 2.2. The fees may be paid quarterly or half-yearly, in which case the amount shall be increased by 5 % and 3 % respectively.

2.3. Provisions applicable to tuna vessels and surface longliners

The licence fee shall be EUR 25 per tonne caught within Angola's fishing zone.

Licences shall be issued once Angola has been paid a flat-rate advance of EUR 4 500 a year — equivalent to the fee for a catch of 180 tonnes per year — for each freezer tuna seiner and EUR 2 500 a year — equivalent to the fee for a catch of 100 tonnes per year — for each surface longliner.

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 catches reported for each vessel and confirmed by a specialised scientific body in the region, in particular the IRD (Institut de Recherche pour le Développement), the IEO (Instituto Español de Oceanografía) and IPIMAR (Instituto Português de Investigação Marítima).

This statement shall simultaneously be communicated to the Angolan authorities and the shipowners. Additional payments, if any, by the shipowners shall be made within 30 days of notification of the final statement, into an account opened with a financial institution or to any other body specified by the Angolan authorities.

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

3. Biological rest period

Shrimp fishing may each year be the subject of a biological rest period in the light of the findings of current scientific surveys. Such periods shall be notified not less than three months in advance to the Commission and the shipowners. Shipowners shall not be required to pay a licence fee during a biological rest period.

4. By-catches

By-catches by shrimp vessels shall remain the property of the shipowners. Altogether, shrimp vessels may catch up to 500 tonnes of crab per year.

5. Landings

Community surface longliners and tuna boats shall endeavour to supply Angolan tuna canneries, in accordance with their fishing effort in the zone and at a price agreed jointly between the shipowners and the Angolan fisheries authorities on the basis of current world market prices. Payment shall be made in convertible currency.

6. Control of transshipments and departing vessels

Transshipments shall be notified eight days in advance to the Angolan fisheries authorities and shall take place, either in the Bay of Luanda or in the Bay of Lobito, in the presence of the Angolan customs authorities.

Transshipment operations shall be subject to stamp duty and service taxes, all payments concerned being made to the customs authorities in accordance with the legislation in force.

A copy of the documentation relating to transshipments shall, 15 days before the end of each month for the preceding month, be transmitted to the Surveillance Directorate of the Fisheries and Environment Ministry.

Any Community fishing vessel wishing to leave Angola's EEZ with its catch or catches must give eight days' notice and submit to a customs check in the Bay of Luanda or the Bay of Lobito.

7. Food supplies (ship's supplies)

7.1. European Community fishing vessels taking on supplies of food in Angola shall do so in accordance with the legislation in force, using only specialist ship's chandlers registered with the Ministry of Trade and established in Angola.

7.2. If some or all of the food supplies come from outside Angola a list of the products must be sent to the Customs authorities in respect of each vessel, stating the number of crew members on board, in order to determine whether the quantities concerned are reasonable in relation to on-board consumption requirements. Export duty and other taxes shall be payable on any quantity in excess of what is regarded as reasonable.

7.3. Work relating to the provision of ship's supplies shall be subject to stamp duty and to service taxes.

8. Fuel supplies (ship's supplies)

8.1. With the exception of tuna vessels, all vessels operating in Angola's fishing zone under the terms of this Agreement will be provided with facilities for obtaining supplies of fuel and water in Angola.

8.2. In Angola, fuel may be taken on in Luanda or Lobito only.

Any transshipment of fuel supplies from a tanker or merchant vessel in Lobito or Luanda must take place in the presence of the customs authorities and shall be subject to stamp duty and service taxes.

8.3. Where a fishing vessel obtains supplies outside territorial waters and the 24-mile area, the customs authorities shall be notified, stating the quantities concerned, the location of the vessel and the name of the supplier.

9. Reporting catches

9.1. Shrimp vessels and demersal vessels

- 9.1.1. Shrimp vessels and demersal vessels shall, at the end of each fishing campaign, transmit the catch reports set out in Appendices 3 and 4 to the Instituto de Investigação Marinha (Marine Research Institute) via the Delegation of the European Communities.

Moreover, each vessel shall, via the Delegation of the European Community, present to the Planning, Studies and Statistics Office of the Fisheries and Environment Ministry a monthly report listing the catches made during the month and 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 legislation.

- 9.1.2. In addition, shrimp vessels and demersal vessels shall report daily their geographical position and the previous day's catches to Luanda radio station. The call sign will be notified to the owner when the fishing licence is issued. Vessels must, if they are unable to contact the above-mentioned radio station, use alternative means of communication.

No fishing or merchant vessel may leave the territorial waters of the Republic of Angola without the prior authorisation of the Direcção Nacional de Fiscalização (National Directorate for Surveillance) of the Fisheries and Environment Ministry and without the catches on board being checked.

9.2. Tuna vessels and surface longliners

Every three days during fishing operations 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.

Vessels shall, if they are unable to contact the above-mentioned radio station, use alternative means of communication.

Vessels shall keep a fishing logbook in accordance with the model in Appendix 5 for each fishing period spent in Angola's fishing zone. Fishing logbooks must be filled in even where no catch has been taken.

For periods spent outside Angolan waters, 'Outside Angola's EEZ' must be entered in the fishing logbook.

The form must be completed legibly, must be signed by the skipper of the vessel and must be sent to the National Inspection and Surveillance Directorate of the Fisheries and Environment Ministry via the Delegation of the Commission of the European Communities within 45 days of the end of the fishing campaign in Angolan waters; it must also be sent as soon as possible for processing to the scientific institutes referred to at 2.2.

In the event of failure to comply with this provision Angola reserves the right to suspend the licence of the vessel concerned until the necessary formalities have been complied with and to apply the penalties applicable under Angolan legislation. The Delegation of the Commission of the European Communities in Angola will in such cases be informed at once.

10. Fishing zones

- 10.1. The fishing zones accessible to shrimp vessels shall comprise all waters under the sovereignty or jurisdiction of the Republic of Angola north of 12°20' prime and beyond the first 12 nautical miles measured from the base lines.

- 10.2. The fishing zones accessible to vessels engaged in demersal fishing shall comprise all waters under the sovereignty or jurisdiction of the Republic of Angola:

— trawlers: beyond the first 12 nautical miles measured from the base lines and restricted northwards by 13°00' prime South, and southwards by a line five miles north of the limit between the EEZs (exclusive economic zones) of Angola and Namibia,

— vessels using other types of gear: beyond the first 12 nautical miles, measured from the base lines and restricted southwards by a line five miles north of the limit between the EEZs of Angola and Namibia.

The fishing zones accessible to freezer tuna seiners and surface longliners shall comprise all waters under the sovereignty or jurisdiction of the Republic of Angola beyond the first 12 nautical miles measured from the base lines.

11. **Hiring of crew members**

- 11.1. Owners of fishing vessels other than freezer tuna seiners and surface longliners to whom fishing licences have been issued under the terms of this Agreement shall contribute to the on-the-job vocational training of at least six Angolan seamen on board each vessel, who shall be freely chosen from a list drawn up by the Fisheries and Environment Ministry.
- 11.2. Should an observer be taken on board at Angola's request, he shall be regarded as one of the six seamen referred to at 11.1.
- 11.3. Community shipowners shall endeavour to increase the number of seamen and improve their vocational skills.
- 11.4. The wages of the seamen and technicians on board shall be borne by the shipowners in accordance with terms mutually agreed by the contracting parties and shall be paid into an account opened with a financial institution designated by the Fisheries and Environment Ministry. This pay shall include life insurance against all risks.
- 11.5. In addition, a total of 20 trainee seamen will each year be selected for the engine room and deck by the Fisheries and Environment Ministry and be distributed among the above-mentioned vessels. The trainees' wages, which shall be borne by the shipowners, may be worth up to 1/3 of that of seasoned seamen and must include the cost of life insurance against all risks.
- 11.6. After the traineeship has been satisfactorily completed the skipper shall sign a document to that effect after the trip, such document then being sent, via the owner or his representative, to the Fisheries and Environment Ministry.

12. **Scientific observers**

- 12.1. Any vessel may be asked to take on board a scientific observer designated and employed by the Fisheries and Environment Ministry.
- 12.2. Observers shall not normally remain on board for more than one trip.
- 12.3. The time spent on board by the observer shall be set by the Angolan authorities but, as a general rule, should not exceed the time required to carry out the duties concerned.
- 12.4. Observers will be treated as ship's officers.

Observers shall:

- observe the fishing activities of the vessels,
- perform biological sampling in the context of scientific programmes,
- take note of the fishing gear used,
- verify the catch data for Angola's zone as recorded in the logbook,
- report fishing data by radio once a week.

- 12.5. While on board,

observers shall:

- take all appropriate steps to ensure that the conditions under which they are taken on board and their presence on board do not interrupt or hamper fishing activities,
- respect the material and equipment on board and the confidentiality of all documents belonging to the said vessel,
- draft an activity report to be transmitted to the competent Angolan authorities.

The conditions under which observers are taken on board are to be agreed between the shipowner or his agent and the Angolan authorities. The cost of the observers' wages and social insurance contributions shall be charged to the Fisheries and Environment Ministry. Shipowners shall, through their agents, pay the Marine Research Institute EUR 15 for each day spent by an observer on board a vessel. Shipowners who are unable to take observers aboard and put them ashore at an Angolan port agreed by common accord with the Angolan authorities shall bear the cost of taking the observers aboard and putting them ashore.

If the observer is not present at the time and place agreed or during the twelve hours following the time agreed, shipowners shall automatically be absolved of their obligation to take the observer on board.

13. **Inspection and monitoring**

Community vessels fishing under the terms of the Agreement shall be monitored by satellite in accordance with the Protocol on VMS and without prejudice to the Angolan legislation applicable.

At the request of the Angolan authorities, Community fishing vessels operating under the terms of 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 not remain on board any longer than is necessary for the accomplishment of their duties.

14. **Mesh size**

The minimum size of the mesh used shall be:

- 50 mm for shrimp fishing;
- 110 mm for demersal fishing.

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

15. **Boarding**

15.1. The European Community Delegation in Luanda shall be informed within 48 hours of the boarding, within Angola's fishing zone, of any fishing vessel flying the flag of a Member State of the Community and operating under the terms of this Agreement between the Community and a third country, and shall at the same time receive a summary report of the circumstances and reasons for the boarding of the vessel.

15.2. In the case of vessels authorised to fish in Angolan waters, before any measures regarding the master or the crew of the vessel or any action regarding the cargo and equipment of the vessel are considered, other than those to safeguard evidence relating to the alleged infringement, a consultation meeting shall be held, within 48 hours of receipt of the above-mentioned information, between the Delegation of the Commission of the European Communities, the Fisheries and Environment Ministry and the inspection authorities, possibly attended by a representative of the Member State concerned.

At the meeting, the parties shall exchange any relevant documentation or information, in particular automatically registered data showing the vessel's positions during the trip up to the time of boarding, which may help to clarify the circumstances of the facts concerned.

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

15.3. Before any judicial proceedings are brought, an attempt shall be made to resolve the alleged infringement through a compromise procedure. This procedure shall be completed no later than three working days after the boarding.

15.4. If the case cannot be settled by compromise, judicial proceedings shall be brought and bank security payable by the shipowner shall be set by the relevant authority within 48 hours following the conclusion of the compromise procedure pending the judicial decision. The amount of the security may not exceed the maximum penalty applicable under national legislation for the alleged infringement. The bank security shall be returned to the shipowner by the relevant authority once the case is settled by judicial decision without the master of the vessel concerned being incriminated.

15.5. The vessel and its crew shall be released:

- at the end of the concertation meeting, if the established facts permit, or
- as soon as the obligations arising from the compromise have been fulfilled, or
- as soon as bank security has been lodged by the shipowner (judicial proceedings).

16. **Infringements**

Any infringement of Angolan legislation or the provisions of this Protocol by a Community vessel shall be notified to the Delegation of the Commission of the European Communities in Luanda, without prejudice to the sanctions applicable under the legislation concerned.

ANNEX B

CONDITIONS GOVERNING THE FISHING ACTIVITIES OF COMMUNITY VESSELS FISHING FOR PELAGIC SPECIES IN ANGOLAN WATERS

1. **Applications for licences and formalities for their issuance**

1.1. The Commission of the European Communities shall, via its Delegation in Angola, present to Angola's fisheries authorities one application per vessel for each shipowner wishing to fish under the terms of this Agreement. It shall do so 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. On first application the form shall be accompanied by a tonnage certificate for the vessel concerned. Each application shall be accompanied by proof of payment of the fee covering the period of validity of the licence.

When renewing the licence, only proof of payment of the fee for the period in question need be presented to the Angolan authorities, the other documents referred to above being presented only with the first application or if the technical characteristics of the vessel have changed.

- 1.2. Licences shall, in the case of a first application, be issued to a shipowner for a specific vessel. In proven cases of *force majeure* the licence for a vessel shall, at the request of the Commission of the European Communities, be replaced by another licence, for a Community vessel of a similar type.
- 1.3. Licences shall be issued by the Angolan authorities to the skipper of the vessel, at the nearest port, after the vessel has been inspected by the competent authority.
- 1.4. The Delegation of the Commission of the European Communities in Angola shall be notified of the licences by Angola's fisheries authorities.
- 1.5. Licences must be kept on board at all times. However, the vessel shall be entered on the list of authorised fishing vessels as soon as notification is received that the European Commission has paid the advance to the Angolan authorities and the list shall be communicated to the Angolan authorities responsible for fisheries surveillance. Pending receipt of the actual licence, a copy may be obtained by fax which must be kept on board.
- 1.6. Licences shall be valid for a minimum of one month and may be renewed.
- 1.7. Each vessel shall be represented by an agent who is officially resident in Angola and is approved by the Fisheries and Environment Ministry.
- 1.8. The Angolan authorities shall, before the entry into force of this Protocol, communicate details of the bank accounts and currencies to be used for paying the fees.
- 1.9. Licences shall cover the fishing of mackerel, sardinella and horse mackerel. A by-catch of up to 10 % is authorised.

2. **Fees**

The fee is set at EUR 3/month per GT.

After the trial period the conditions governing these fishing operations (obligation to take seamen on board and put them ashore) shall be laid down by common agreement between the shipowners and the Angolan authorities in the light of the results of the said period.

3. **Transshipment**

All transshipments shall be notified to the competent Angolan fisheries authorities eight days in advance and shall take place in either the Bay of Luanda or the Bay of Lobito in the presence of the Angolan Customs authorities.

Transshipment operations shall be subject to stamp duty and service taxes, all payments concerned being made to the customs authorities in accordance with the legislation in force.

A copy of the documentation relating to transshipments shall be forwarded to the National Surveillance Directorate of the Fisheries and Environment Ministry 15 days before the end of each month for the preceding month.

Any Community fishing vessel wishing to leave Angola's EEZ with its catch or catches must submit to a customs check in the Bay of Luanda or the Bay of Lobito after giving eight days' notice.

4. **Food supplies (ship's supplies)**

4.1. European Community fishing vessels taking on supplies of food in Angola shall do so in accordance with the legislation in force, using only specialist ship's chandlers registered with the Ministry of Trade and established in Angola.

4.2. If some or all of the food supplies come from outside Angola a separate list of the products must be sent to the Customs in respect of each vessel, stating the number of crew members on board, in order to determine whether the quantities of products concerned may be regarded as reasonable in relation to on-board consumption requirements. Any quantity in excess of what is regarded as reasonable shall be subject to export duty and other taxes.

4.3. Work relating to the provision of ship's supplies shall be subject to stamp duty and service taxes.

5. **Fuel supplies (ship's supplies)**

5.1. With the exception of tuna vessels, all vessels operating in Angola's fishing zone under the terms of this Agreement will be provided with facilities for obtaining their fuel and water supplies in Angola.

5.2. Any fuel taken on board in Angola must be taken on in Luanda or Lobito.

The transshipment of fuel supplies from a tanker or merchant ship in Lobito or Luanda must take place in the presence of the customs authorities and is subject to stamp duty and service taxes.

5.3. Where a fishing vessel obtains its supplies outside territorial waters and the 24-mile area, the customs authorities shall be notified, stating the quantities concerned, the location of the vessel and the name of the supplier.

6. **Reporting catches**

6.1. At the end of each fishing campaign vessels fishing for pelagic species shall transmit to the Fisheries Research Institute in Luanda, via the Delegation of the Commission of the European Communities, daily catch reports in accordance with the specimen shown in Appendix 6.

Moreover, each vessel shall present a monthly report to the Planning, Studies and Statistics Office of the Fisheries and Environment Ministry, 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.

6.2. No fishing vessel may leave Angola's fishing zone without obtaining the prior authorisation of the Fisheries Surveillance Directorate of the Fisheries and Environment Ministry after the catches on board have been checked.

In the event of failure to comply with this provision, Angola reserves the right to apply the penalties applicable under its legislation.

7. **Fishing zones**

The fishing zones accessible to vessels fishing for pelagic species shall comprise all waters under the sovereignty or jurisdiction of the Republic of Angola beyond the first 12 nautical miles.

8. **Hiring of crew members**

Vessels fishing for pelagic species during the trial period shall not be subject to the requirement to hire Angolan seamen.

9. Scientific observers

- 9.1. Vessels may be asked to take on board a scientific observer designated and employed by the Fisheries and Environment Ministry.

Observers shall not normally remain on board for more than one trip.

- 9.2. The time spent on board by the observer shall be fixed by the Angolan authorities, but, as a general rule, should not exceed the time required to carry out the duties concerned.

- 9.3. Observers shall be treated as ship's officers.

Observers shall:

- observe the fishing activities of the vessels,
- perform biological sampling in the context of scientific programmes,
- take note of the fishing gear used,
- verify the catch data for Angola's zone as recorded in the logbook,
- report fishing data by radio once a week.

While on board, observers shall:

- take all appropriate steps to ensure that the conditions under which they are taken on board and their presence on board do not interrupt or hamper fishing activities,
- respect the material and equipment on board and the confidentiality of all documents belonging to the said vessel,
- draft an activity report to be transmitted to the competent Angolan authorities.

The terms under which observers are taken on board are to be agreed between the shipowner or his agent and the Angolan authorities. Their wages and social insurance contributions are to be paid by the Fisheries and Environment Ministry. Shipowners shall, through their agents, pay the Marine Research Institute EUR 30 for each day spent by an observer on board a vessel. Shipowners who are unable to take observers on board and put them ashore at an Angolan port agreed by common accord with the Angolan authorities shall bear the cost of taking the observers aboard and putting them ashore.

If the observer is not present at the time and place agreed or during the twelve hours following the time agreed, shipowners shall automatically be absolved of their obligation to take the observer on board.

10. Inspection and surveillance

Community vessels fishing under the Agreement shall be monitored by satellite in accordance with the Protocol on VMS and without prejudice to the Angolan legislation applicable.

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

These officials shall not remain on board any longer than is necessary for the accomplishment of their duties.

11. Mesh size

The minimum size of the mesh used shall be 60 mm.

12. Boarding

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

12.2. In the case of vessels authorised to fish in Angolan waters, before any measures regarding the master or the crew of the vessel or any action regarding the cargo and equipment of the vessel are considered, other than those to safeguard evidence relating to the alleged infringement, a consultation meeting shall be held, within 48 hours of receipt of the above-mentioned information, between the Delegation of the Commission of the European Communities, the Fisheries and Environment Ministry and the inspection authorities, possibly attended by a representative of the Member State concerned.

At the meeting, the parties shall exchange any relevant documentation or information, in particular automatically registered data showing the vessel's positions during the trip up to the time of boarding, which may help to clarify the circumstances of the facts concerned.

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

12.3. Before any judicial proceedings, an attempt shall be made to resolve the alleged infringement through a compromise procedure. This procedure shall be completed no later than three working days after the boarding.

12.4. If the case cannot be settled by compromise, judicial proceedings shall be brought before a competent judicial body and a bank security payable by the shipowner shall be set by the relevant authority within 48 hours following the conclusion of the compromise procedure pending a judicial decision. The amount of the security may not exceed the maximum penalty applicable under national legislation for the alleged infringement. The bank security shall be returned to the shipowner by the relevant authority once the case is settled by judicial decision without the master of the vessel concerned being incriminated.

12.5. The vessel and its crew shall be released:

- at the end of the concertation meeting, if the established facts permit, or
- as soon as the obligations arising from the compromise have been fulfilled, or
- as soon as bank security has been lodged by the shipowner (judicial proceedings).

Appendix 1

APPLICATION FOR A LICENCE TO FISH FOR SHRIMP AND DEMERSAL SPECIES IN ANGOLAN WATERS

SECTION A

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

SECTION B

(To be completed for each vessel)

- 1. Period of validity:
- 2. Name of vessel:
- 3. Year of construction:
- 4. Original flag:
- 5. Current flag:
- 6. Date on which current flag acquired:
- 7. Year acquired:
- 8. Port and registration number:
- 9. Type of fishing:
- 10. Gross tonnage:
- 11. Call sign:
- 12. Length overall (m):
- 13. Bow height (m):
- 14. Depth (m):
- 15. Hull construction material:
- 16. Engine power:
- 17. Speed (knots):
- 18. Capacity of the cold storage chamber:
- 19. Capacity of tanks (m³):
- 20. Capacity of fish holds (m³):
- 21. Colour of hull:
- 22. Colour of superstructure:

23. On-board communication equipment:

Type	Make	Power (Watts)	Year of construction	Frequencies	
				Reception	Transmission

24. Navigating and sounding equipment:

Type	Make	Model	Range

25. Skipper:

26. Nationality of skipper:

Include:

- Three colour photographs of vessel (side view),
- an illustration and detailed description of the fishing gear used,
- a document proving that the representative of the shipowner is empowered to sign this application.

.....
(Date of application)

.....
(Signature of representative of shipowner)

Appendix 2

APPLICATION FOR A LICENCE TO FISH FOR TUNA IN ANGOLAN WATERS

PART A

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

PART B

(To be completed for each vessel)

- 1. Period of validity:
- 2. Name of vessel:
- 3. Year of construction:
- 4. Original flag:
- 5. Current flag:
- 6. Date on which current flag was acquired:
- 7. Year acquired:
- 8. Port and registration number:
- 9. Type of fishing:
- 10. Gross register tonnage:
- 11. Call sign:
- 12. Length overall (metres):
- 13. Bow height (metres):
- 14. Depth (metres):
- 15. Hull construction material:
- 16. Engine power (HP):
- 17. Speed (knots):
- 18. Cabins:
- 19. Capacity of fuel tanks (m³):
- 20. Capacity of fish holds (m³):
- 21. Freezing capacity in tonnes/24 hours and system used:
.....
- 22. Colour of hull:
- 23. Colour of superstructure:

24. On-board communication equipment:

Type	Make	Model	Power (watts)	Year of manufacture	Frequencies	
					Reception	Transmission

25. Navigation and sounding equipment:

Type	Make	Model

26. Auxiliary boats used (for each vessel):

26.1. Gross register tonnage:

26.2. Length overall (metres):

26.3. Bow height (metres):

26.4. Depth (metres):

26.5. Hull construction material:

26.6. Engine power (HP):

26.7. Speed (knots):

27. Auxiliary aerial equipment used to detect fish (even if not installed on board):

.....

28. Home port:

29. Name of skipper:

30. Nationality of skipper:

Include:

- three colour photographs of the vessel (side view), of any additional boats used for fishing and of any aerial equipment used for detecting fish,
- an illustration and detailed description of the fishing gear used,
- a document proving that the representative of the shipowner is empowered to sign this application.

.....
(Date of application)

.....
(Signature of representative of shipowner)



Appendix 3.2

TRIP

Call sign (1)	
Registration (2)	
Name of vessel (3)	
Nationality (4)	
Shipowner (5)	

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

FISHING GEAR (specify and give measurements) (9)

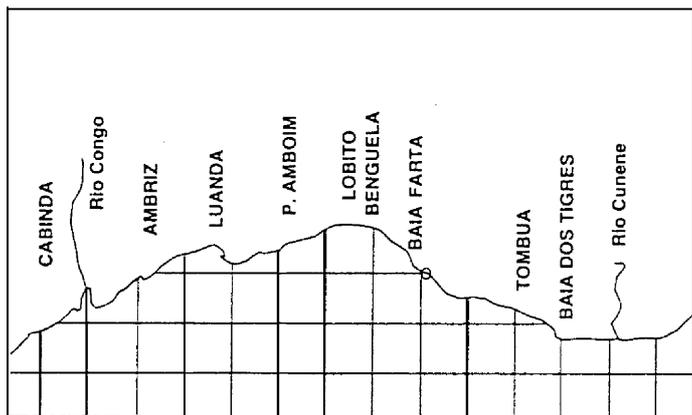
Gear	Headline (m) (g)	Footrope (m)	Cod end mesh size (mm)
Demersal trawl (a)			
Pelagic trawl (b)			
Shrimp trawl (c)			
Seine (d)		Depth (m)	
Longline (e)	Length (m)	Number of hooks used	
Gillnet/trammel net (f)	Length (m)	Depth (m)	
Other (specify)			

MAIN SPECIES FISHED (please state name or serial number) (10)

--	--

Please enter the total number of fishing days in each box in the diagram opposite (11)

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



Appendix 4.2

TRIP

Call sign (1)	
Registration (2)	
Name of vessel (3)	
Nationality (4)	
Shipowner (5)	

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

FISHING GEAR (specify and give measurements) (9)

Gear	Headline (m) (g)	Footrope (m)	Cod end mesh size (mm)
Demersal trawl (a)			
Pelagic trawl (b)			
Shrimp trawl (c)	Floatline	Depth (m)	
	Length (m)	Number of hooks used	
Seine (d)	Length (m)		
Longline (e)	Length (m)	Depth (m)	
Gillnet/trammel net (f)			
Other (specify)			

MAIN SPECIES FISHED (please state name or serial number) (10)

--	--

Please enter the total number of fishing days in each box in the diagram opposite (11)

TOTAL CATCH (kg) (weight of all the fish on board) (12)

