

PROTOCOL establishing the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Republic of The Gambia on fishing off the coast of The Gambia for the period 1 July 1993 to 30 June 1996

Article 1

Pursuant to Article 4 of the Agreement and for the period 1 July 1993 to 30 June 1996, annual fishing rights shall be as follows:

1. tuna vessels:

(a) freezer seiners: 23 vessels

(b) pole-and-line: 7 vessels

2. trawlers and other vessels:

(a) fresh fish trawlers: 410 GRT

(b) freezer trawlers:

- fishing for shrimps: 2 000 GRT

- fishing for other species: 750 GRT.

Article 2

The total number of fishing days by fresh fish vessels and freezer trawlers in The Gambia's fishing zone is limited to 1 000 fishing days and 4 000 fishing days, respectively, in each fishing year of application of the Protocol.

The authorities of The Gambia shall notify the Commission Delegation in The Gambia when 80 % of the fishing days authorized for each category of vessel have been utilized.

Article 3

1. For the period referred to in Article 1 the financial compensation referred to in Article 9 of the Agreement shall be ECU 1 100 000 payable in three equal annual instalments.

2. The use to which this compensation is put shall be the sole responsibility of the authorities of The Gambia.

3. The compensation shall be paid to the Accountant General's Department of The Gambia.

Article 4

1. The Community shall also contribute during the period referred to in Article 1 the sum of ECU 80 000 towards the financing of scientific programmes designed to improve knowledge on the fish resources within the waters of The Gambia.

2. Following communication by the relevant authorities of The Gambia of the content of the scientific programmes, the corresponding amounts shall be transmitted to the account specified by those authorities.

3. The relevant authorities of The Gambia shall submit to the relevant services of the Commission reports on the realization of these programmes.

Article 5

The two Parties agree that improving the skills and knowledge of those involved in sea-fishing is a vital element in the success of their cooperation. To that end, the Community shall make it easier for nationals of The Gambia to find places in establishments in its Member States and shall provide for that purpose awards for study and practical training in the various scientific, technical and economic disciplines relating to fisheries. The awards may also be used in any country linked with the Community by a cooperation agreement.

The total cost of the awards may not exceed ECU 220 000. At the request of the relevant authorities of The Gambia, part of this sum may be used to cover the costs of participation in international meetings or training courses concerning fisheries. The sum shall be payable as and when it is used.

Article 6

Should the Community fail to make the payments provided for in Articles 3 and 4, the application of this Protocol may be suspended.

Article 7

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

Article 8

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

It shall be applicable from 1 July 1993.

ANNEX
CONDITIONS FOR THE EXERCISE OF FISHING ACTIVITIES BY COMMUNITY
VESSELS IN THE GAMBIA'S FISHING ZONE

A. Licence application and issuing formalities

1. The relevant Community authorities shall present to the relevant authorities of The Gambia, via the Commission Delegation in The Gambia, an application for each vessel that is to be used for fishing under the Agreement, at least 15 days before the date of commencement of the period of validity requested.

The applications shall be made on the forms provided for that purpose by the relevant authorities of The Gambia, a specimen of which is attached hereto (Appendix 1).

2. Each licence application shall be accompanied by proof of payment of the fee for the period of the licence's validity. Payment shall be made into an account opened with a financial institution or any other body designated by The Gambia's authorities.

The fees shall include all national and local charges except for port taxes and service charges.

3. Licences for all vessels shall be issued by the relevant authorities of The Gambia, within 15 days following receipt of proof of payment as laid down at 2, to the shipowners or their representatives via the Commission Delegation in The Gambia.

4. Licences shall be issued for a specific vessel and shall not be transferable. However, at the request of the European Economic Community, a vessel's licence may and in the case of force majeure shall be replaced by a new licence for another vessel with features similar to those of the first vessel. The owner of the first vessel shall return the cancelled licence to the relevant authorities of The Gambia via the Commission Delegation in The Gambia.

The new licence shall indicate:

- the date of issue,
- the fact it replaces the licence of the previous vessel for the remaining period of validity.

In the case, no fee shall be due for unexpired period of validity.

5. The licence must be held on board at all times.

6. The Accountant General's Department of The Gambia shall give notice, before the Agreement enters into force, of the arrangements for payment of the fee, including information on bank accounts and the currencies to be used.

B. Provisions applicable to licences for tuna vessels

1. Licences shall be valid for one year. They shall be renewable.

2. The fee shall be set at ECU 20 per tonne caught within The Gambia's fishing zone.

3. Licences shall be issued following payment to the Accountant General's Department of The Gambia of a lump sum of ECU 1 000 a year for each tuna seiner and ECU 200 a year for each pole-and-line tuna vessel, equivalent to the fees payable for a catch of:

- 50 tonnes of tuna per year in the case of seiners,

- 10 tonnes per year in the case of pole-and-line tuna vessels.

4. The final statement of the fees due for the fishing period shall be drawn up by the Commission of the European Communities at the end of each calendar year on the basis of the catch statements made for each vessel and confirmed by the relevant scientific institutes, including the French Office de la recherche scientifique et technique d'outre-mer (Orstom) and the Instituto Español de Oceanografía (IEO).

The statement shall be forwarded simultaneously to the relevant authorities of The Gambia and to the shipowners. Any additional payment due shall be made by the shipowners to the Accountant General's Department of The Gambia no later than 30 days after notification of the final statement, to be paid into the account opened with a financial institution or any other body designated by the relevant authorities of The Gambia.

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

C. Provisions applicable to licences for other vessels

1. Licences shall be valid for three, six or 12 months. The annual fee shall be fixed according to GRT, in proportion to the duration of the licence, at the rate of:

(a) fresh fish vessels:

- ECU 96 per GRT for vessels fishing for crustaceans,

- ECU 60 per GRT for other vessels;

(b) freezer vessels:

- ECU 96 per GRT for shrimp vessels,

- ECU 72 per GRT for other vessels.

These fees shall be paid to the Accountant General's Department of The Gambia in the currency indicated by the relevant authorities of The Gambia.

2. Trawlers fishing in The Gambia's fishing zone shall be limited at a maximum of 1 500 GRT.

3. Each vessel shall be represented by an agent selected by the shipowner and based in The Gambia. An agent may represent more than one vessel.

D. Statement of catch

1. For tuna seiners and pole-and-line tuna vessels, a fishing log shall be kept, in accordance with the model in Appendix 2, for each fishing period spent in The Gambia's fishing zone. The form must be sent, within 45 days of the end of the fishing voyage spent in The Gambia's fishing zone, to the relevant authorities of The Gambia via the Commission Delegation in The Gambia.

2. Trawlers are obliged to notify the relevant authorities of The Gambia of their catches using the standard form given in Appendix 3 via the Commission Delegation in The Gambia. The statements shall be monthly and must be communicated at least once every three months.

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

4. Should these provisions not be adhered to, the relevant authorities of The Gambia reserve the right to suspend the licence of the offending vessel until the formality has been complied with.

In this case, the Commission Delegation in The Gambia shall be informed.

E. Landing of catch

Trawlers authorized to fish in The Gambia's fishing zone shall, in order to make a contribution towards supplying the local population with fish caught in The Gambia's fishing zone, be obliged to land free of charge, to the Ministry of Water Resources, Forestry and Fisheries of The Gambia, 30 kilograms per GRT per year of fish for local consumption.

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

F. Signing-on of seamen

1. Trawler owners who have been issued fishing licences under the Agreement shall contribute to the on-the-job vocational training of The Gambia nationals, taking on board one seaman per trawler.

2. The wage of this fisherman, to be borne by the shipowners, shall be fixed by mutual agreement between shipowners and the relevant authorities of The Gambia. Should the fisherman not be signed on, the shipowners shall be obliged to pay a lump sum equivalent to 60 % of the seaman's wage. This sum will be used for the training of fishermen in The Gambia and is to be paid into an account specified by the relevant authorities of The Gambia.

G. Fishing zones

Community vessels may carry out fishing activities in the following zones:

- beyond seven miles from the coast for trawlers equal to or less than 250 GRT,
- beyond 12 miles from the coast for trawlers of more than 250 GRT,
- throughout the waters under sovereignty or jurisdiction of The Gambia for tuna vessels.

H. Meshes authorized

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

- live bait: 8 mm,
- cephalopods: 40 mm,
- fin fish: 60 mm,
- shrimp: 40 mm.

In the case of tuna, the international standards recommended by Iccat shall apply.

I. Entering and leaving the zone

1. All Community vessels fishing under the Agreement in The Gambia's fishing zone shall communicate to the Banjul radio station the date and time and their position when entering and leaving The Gambia's fishing zone.

2. While fishing in The Gambia's fishing zone, vessels shall notify their position and their catch to the relevant authorities of The Gambia every three days via the Banjul radio station, and give their total catch each time they leave the zone.

3. The call sign and operating frequencies and working hours of the station shall be communicated to the shipowners or their representatives by the relevant authorities of The Gambia at the time the licence is issued.

4. In cases where this radio communication cannot be used, vessels may use alternative means, such as telex or telegram.

J. Procedure in case of arrest and detention

The Commission Delegation in The Gambia shall be notified within 48 hours of any arrest and detention within The Gambia's fishing zone of a fishing vessel flying the flag of a Member State of the Community and operating under this Agreement. A brief report of the circumstances and reasons leading to the arrest shall be provided within 72 hours.

Appendix 1

REPUBLIC OF THE GAMBIA APPLICATION FORM FOR FISHING VESSEL TO FISH IN GAMBIAN WATERS

I. APPLICANT:

1. Name of applicant:
2. Name of company:
3. Address:

II. VESSEL:

1. Name:
2. Registration No:
3. Date and place of construction:
4. Radio call sign:
5. Country of registration:
6. Gross register tonnes:
7. Number of fish holds:
8. Capacity of holds:
9. Total number of crew:
10. Fishing method:
11. Is the vessel a freezer?
12. If yes:
 - Freezer capacity:
 - Storage capacity:
13. Name of master of vessel:

III. PERIOD OF APPLICATION:

From , to
(Date)
(Signature)

Appendix 2

>REFERENCE TO A FILM<

Appendix 3

Specimen of form provided for in Article 6 of the Agreement

STATEMENT OF CATCH

>START OF GRAPHIC<

Month: Year: Name of vessel:

Nationality: Gross tonnages: Company: Licence No:

Date FISHING ZONE Longitude Latitude Number of fishing hours SPECIES OF FISH (kilograms)

Other Totals

Observations

Totals: