

Agreement amending the Agreement between the European Economic Community
and the Government of the Democratic Republic of São Tomé and Príncipe on
fishing off São Tomé and Príncipe signed at Brussels on 1 February 1984
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Article 1

The Annex referred to in Article 4 and the Protocol referred to in Article 6 of the Agreement between the European Economic Community and the Government of the Democratic Republic of São Tomé and Príncipe on fishing off São Tomé and Príncipe, signed on 1 February 1984 shall be replaced by the texts attached to this Agreement.

Article 2

This Agreement, drawn up in duplicate in the Danish, German, Greek, English, French, Italian, Dutch, Portuguese and Spanish languages, each of these texts being equally authentic, shall enter into force on the date of signature.

It shall be applicable from 1 June 1987.

ANNEX

CONDITIONS FOR THE PURSUIT OF FISHING ACTIVITIES IN SÃO TOMÉ AND PRÍNCIPE'S FISHING ZONE BY COMMUNITY VESSELS

1. The procedure for applications for, and issue of, licences enabling vessels flying the flag of a Member State of the Community to fish in the fishing zone of São Tomé and Príncipe shall be as follows:

The relevant Community authorities, via the authorities of the Commission of the European Communities on São Tomé and Príncipe, shall present to the Ministry for Fisheries, through the designated São Tomé and Príncipe authorities, an application for each vessel that wishes to fish under the Agreement at least twenty days before the date of commencement of the period of validity requested.

The applications shall be made on the forms provided for that purpose by the Government the Democratic Republic of São Tomé and Príncipe, a specimen of which is attached.

Licences are issued for a given vessel. At the request of the Commission of the European Communities, a licence issued for one vessel may, and in a case of force majeure shall, be replaced by a licence issued for another Community vessel having the same characteristics.

Once signed, licences shall be delivered by the São Tomé and Príncipe authorities to the shipowners or their representatives via the authorities of the Commission of the European Communities on São Tomé and Príncipe.

Licences must be held on board at all times.

2. Licences shall be issued for a period of one year and shall be renewable.

The fees due by shipowners provided for in Article 4 of the Agreement and referred to in Article 1 of the Protocol shall be set at 20 ECU per tonne caught in São Tomé and Príncipe's fishing zone.

3. Licences shall be issued following payment to the National Bank of São Tomé and Príncipe of a lump sum of 1 500 ECU for each freezer tuna seiner per year and 200 ECU for each pole-and-line tuna vessel per year equivalent to the fees for:

- 75 tonnes of tuna caught per freezer tuna seiner per year,
- 10 tonnes of tuna caught per pole-and-line tuna vessel per year.

4. A provisional statement of the fees due for the fishing year shall be drawn up at the end of each calendar year on the basis of the catch statements made by the shipowners and forwarded simultaneously to the competent authorities of São Tomé and Príncipe and the departments responsible at the Commission of the European Communities. The corresponding amount shall

be paid to the National Bank of São Tomé and Príncipe no later than 31 March of the current year.

The final statement of the fees due for the year shall be drawn up by the Commission departments responsible following verification of the volume of catch by a specialist scientific body in the region.

The final statement shall be notified to the shipowners, who shall have thirty days to acquit their financial obligations.

However, if the amount is lower than the abovementioned advance, the resulting balance shall not be recoverable by the shipowner.

5. Before the Agreement enters into force, the São Tomé and Príncipe authorities shall give notice of the arrangements for the payment of fees, and in particular the accounts and currencies to be used.

6. Every time they enter or leave São Tomé and Príncipe's fishing zone, Community vessels shall communicate the volume of catch held on board at that time to the radio station on São Tomé and Príncipe. The call sign shall be communicated to shipowners when the licence is issued. A vessel caught fishing without having notified the radio of São Tomé and Príncipe of its presence shall be considered an unlicensed vessel.

Vessels shall allow on board observers at the request of the authorities of São Tomé and Príncipe. Observers should not remain on board any longer than the time needed to carry out spot checks on the catch.

7. Should fishing opportunities for freezer trawlers be made available to Community vessels in accordance with the second subparagraph of Article 1 of the Protocol, such vessels shall not be authorized to carry out fishing activities within the 12-mile zone and may be required to land part of their catch in order to meet local requirements.

APPLICATIONS FOR A FISHING LICENCE

1. Valid from: to:
2. Name of vessel:
3. Name of shipowner:
4. Port and registration number
5. Type of fishing:
6. Authorized mesh size:
7. Length of vessel:
8. Width of vessel:
9. Gross registered tonnage:
10. Hold capacity:
11. Engine rating:
12. Type of construction:
13. Usual number of seamen aboard:
14. Radio/electrical equipment:
15. Master's name:

The above information is the sole responsibility of the shipowner or his representative.

Date of application:

PROTOCOL

establishing fishing authorizations and financial compensation for the period from 1 June 1987 to 31 May 1990

Article 1

From 1 June 1987, for a period of three years, the fishing authorizations granted pursuant to Article 2 of the Agreement shall be set at 52 freezer tuna seiners and 10 wet pole-and-line tuna vessels.

In addition to these authorizations and at the Community's request, licences for other categories

of fishing vessels may be issued subject to conditions on fishing activities and financial arrangements to be decided.

Article 2

The financial compensation referred to in Article 6 of the Agreement shall be, for the period referred to in Article 1, 1 425 000 ECU, payable in three equal annual instalments.

This amount shall cover fishing activities up to a catch of 9 500 tonnes of tuna a year; if the catch volume by Community vessels in São Tomé and Príncipe's fishing zone exceeds this quantity, the aforesaid amount shall be increased accordingly. However, regardless of the actual catch volume, the amount of financial compensation shall be limited to 2 000 000 ECU for the duration of the Protocol, payable in three equal annual instalments.

Article 3

The use to which the compensation referred to in Article 2 is put shall be the sole responsibility of the Government of the Democratic Republic of São Tomé and Príncipe. The compensation shall be paid into an account opened at the National Bank of São Tomé and Príncipe.

Article 4

The Community shall also contribute up to 450 000 ECU towards the financing of a scientific and technical programme on São Tomé and Príncipe to improve information on the fishery resources within São Tomé and Príncipe's fishing zone. The contribution shall be used to:

1. carry out an exploratory voyage to improve knowledge of shellfish resources;
2. cover São Tomé and Príncipe's participation in the following international bodies: the Regional Fisheries Committee for the Gulf of Guinea and ICCAT;
3. cover its participation in international meetings on fisheries.

This sum shall be made available to the Ministry for Fisheries. The competent authorities of São Tomé and Príncipe shall send to the Commission a brief report on the results of the exploratory voyage to improve knowledge of shellfish.

Article 5

Should the Community fail to make the payments provided for in this Protocol, the Agreement on fishing shall be suspended.