

Agreement between the European Economic Community and the Government of the Republic of Guinea amending the Agreement between the European Economic Community and the Government of the Revolutionary People's Republic of Guinea on fishing off the coast of Guinea, signed at Conakry on 7 February 1983 - Protocol establishing the fishing rights and financial compensation for the period 8 August 1986 to 7 August 1989
Official Journal L 029, 30/01/1987 pp. 0010 - 0016

Article 1

The Agreement between the European Economic Community and the Government of the Republic of Guinea on fishing off the coast of Guinea, signed on 7 February 1983, shall be amended as follows:

(1) In the title and text of the Agreement the term Revolutionary People's Republic of Guinea shall be replaced by Republic of Guinea;

(2) (This amendment is not relevant to the English text);

(3) Article 8 (3) shall be replaced by the following:

The financial compensation shall be used solely to finance projects and services relating to fishing;

(4) Annex I, referred to in Articles 2 and 5 of the Agreement, and Annexes to it, shall be replaced by the text annexed hereto;

(5) The Protocol referred to in Article 8 of the Agreement shall be replaced by the text annexed hereto.

Article 2

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

2. It shall apply from 8 August 1986.

ANNEX CONDITIONS FOR THE PURSUIT OF FISHING ACTIVITIES IN GUINEA'S FISHING ZONE BY COMMUNITY VESSELS

A. Licence application and issuing formalities

The procedure for application for, and issue of, the licences enabling Community vessels to fish in Guinea's fishing zone shall be as follows:

The relevant Community authorities shall present to the Office of the Secretary of State for Fisheries of the Republic of Guinea, via the Delegation of the Commission in Guinea, an application for each vessel that wishes to fish under this Agreement, at least 10 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 of the Republic of Guinea, a specimen of which is annexed hereto.

Each licence application shall be accompanied by proof of payment for the period of the licence's validity.

Licences must be held on board at all times.

I. Provisions applicable to trawlers

1. Before receiving a licence, each vessel must be presented at the port of Conakry for inspection in accordance with the rules and regulations in force. Should the licence be renewed in the same calendar year, vessels shall be exempt from inspection.

2. Each vessel must be represented by a factor approved by the Office of the Secretary of State for Fisheries.

3. The licence fees shall be equivalent to the following annual amounts:

-110 ECU/grt for fin fish trawlers, or 250 kg/grt of fish landed at a Guinean port,

-130 ECU/grt for cephalopod vessels,

-133 ECU/grt for shrimp trawlers and trawlers taking mixed catches including over 30 % of shrimps by weight.

These fees shall be paid in the currency indicated by the Guinean authorities and fixed on a pro rata basis relating to the period of validity of the licence.

The chosen fee is indicated by the shipowner when introducing the licence application.

Deliveries of fish shall be made according to a programme established when the licences are issued, at least every other month, each delivery being declared to the Guinean authorities at least five days in advance.

II. Provisions applicable to tuna vessels and longliners

1. The fees shall be set at 20 ECU per tonne caught within Guinea's fishing zone.

2. Applications for licences for tuna vessels and longliners shall be issued following payment to the Office of the Secretary of State for Fisheries of a lump sum of 1 000 ECU a year for each tuna seiner, 200 ECU a year for each pole-and-line tuna vessel and 200 ECU a year for each longliner, equivalent to the fees for:

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

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

-10 tonnes of swordfish caught per year in the case of longliners.

A provisional statement of the fees due for the fishing year 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 by the shipowners and forwarded simultaneously to the Guinean authorities and the Commission departments responsible. The corresponding amount shall be paid by the shipowners to the Office of the Secretary of State for Fisheries no later than 31 March of the following year.

The final statement of the fees due shall be drawn up by the Commission following verification of the volume of catch by a specialist scientific body in the region. The final statement shall be communicated to the Guinean authorities and notified to the shipowners, who shall have 30 days to discharge their financial obligations.

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

B. Statement of catch

All vessels authorized to fish in Guinea's waters under the Agreement shall be obliged to forward to the Office of the Secretary of State for Fisheries, via the Commission delegation at Conakry, a statement of their catch made out according to the specimen in Annex II to the Agreement.

These statements of catch must be drawn up for each month and presented at least once every quarter.

C. Signing-on of seamen

Shipowners who have been issued fishing licences under the Agreement shall contribute to the on-the-job vocational training of Guinean nationals subject to the conditions and limits set out below:

1. Each trawler owner shall undertake to employ:

-two fishermen, including one fisherman/observer, on vessels of up to 300 grt and on all cephalopod vessels,

-a number, including one observer/fisherman, equivalent to 25 % of the fishermen on board vessels of more than 300 grt.

2. Six Guinean seamen shall be signed on permanently for the fleet of tuna seiners.

In the case of the pole-and-line tuna vessels, eight Guinean seamen shall be signed on for the

tuna fishing season in Guinean waters. There may not, however, be more than one Guinean seaman per vessel.

These obligations may instead take the form of an annual lump sum equivalent to the seamen's wages; this sum will be used for the training of Guinean fishermen.

3. The seamen's wages, set in accordance with Guinean scales, and other forms of remuneration shall be borne by the shipowners.

D. Fishing zones

The fishing zones accessible to Community vessels shall comprise all waters under Guinea jurisdiction beyond:

- (1) Three nautical miles as regards shrimp vessels not exceeding 135 grt;
- (2) Six nautical miles as regards shrimp vessels of between 135 and 300 grt;
- (3) Six nautical miles as regards cephalopod vessels during the first year's application of the current Protocol.

At the end of this period specific provisions on access for cephalopod vessels may be adopted by the Joint Committee;

- (4) 12 nautical miles as regards shrimp vessels exceeding 300 grt;
- (5) 15 nautical miles as regards fin fish trawlers.

E. Meshes authorized

1. The mesh authorized for the trawl body (mesh fully extended) shall be:

- (a) 60 mm for fin fish vessels;
- (b) 40 mm for cephalopod vessels;
- (c) 25 mm for shrimp vessels.

2. These mesh sizes apply under Guinean regulations to all ships flying the Guinean or any other flag and may be changed in the light of recommendations formulated by international scientific organizations.

F. Inspection and monitoring of fishing activities

Any Community vessel fishing in Guinea's fishing zone shall allow on board, and assist in the accomplishment of his duties, any official of Guinea responsible for inspection and monitoring.

G. Penalties

Infringements shall be penalized as follows:

- (1) payment of a fine of 500 000 to 1 500 000 Guinean francs, payable in ECU, for non-compliance with mesh size or fishing zones;
- (2) non-renewal of fishing licence for failure to supply statements of catch;
- (3) payment of a fine of 1 000 ECU per tonne of fish not landed.

Specimen provided for in A I(1)

SECRETARIAT OF STATE FOR FISHERIES REPUBLIC GUINEA

DIRECTORATE-GENERAL OF FISHERIES Labour - Justice - Solidarity

PARTICULARS TO BE FURNISHED IN SUPPORT OF AN APPLICATION FOR A FISHING LICENCE

Applicant

Name

Occupation or style of firm

Registered office

Subscribed capital

Address

Vessels for which licence is sought:

- 1.
- 2.

3.

4.

5.

Name and address of Master
Validity of licence applied for
Vessel

Name

Registration N°

Call sign

Date and place of construction

Nationality (flag)

Length: 1. o.a.

2. b.p.

Breadth: 1. o.a.

2. moulded breadth

Gross registered tonnage:

Net registered tonnage:

Engine type and rating:

Port of registry:

Crew:

Type of fishing:

Payment formula (fin fish vessels):

A. Trawling

Length of trawl

Opening

Mesh size in the body

Mesh size in the wings

B. Tuna fishing

Number of lines

Length of net

Number of bait tanks

Volume of bait tanks

Live baits

Purse seine

Is the vessel a freezer vessel?

If so, state:

-total refrigerating power

-freezing capacity

-storage capacity

Technical remarks and opinion of the Director of Fisheries:

(1)The application must be submitted on a form in French.

PROTOCOL establishing fishing rights and financial compensation for the period from 8 August 1986 to 7 August 1989

Article 1

From 8 August 1986, for a period of three years, the fishing authorizations granted pursuant to Article 2 of the Agreement shall be as follows:

1. Trawlers - 12 000 (twelve thousand) grt per month, annual average;
2. Freezer tuna seiners - 45 vessels;
3. Wet pole-and-line tuna vessels - 25 vessels;
4. Longliners - six vessels.

Article 2

1. The financial compensation referred to in Article 8 of the Agreement shall be, for the period referred to in Article 1, 8 600 000 (eight million six hundred thousand) ECU, payable in three annual instalments.
2. The use to which this compensation is put shall be the sole responsibility of the Government of the Republic of Guinea.
3. The compensation shall be paid into an account opened at a financial institution or any other body designated by the Government of the Republic of Guinea.

Article 3

At the request of the Community, the fishing rights referred to in Article 1 (1) may be increased by successive instalments of 1 000 grt a month on annual average. In this case, the financial compensation referred to in Article 2 shall be increased proportionately pro rata temporis.

Article 4

1. The Community shall also contribute during the period referred to in Article 1 up to 350 000 (three hundred and fifty thousand) ECU towards the financing of Guinean scientific and technical programmes (equipment, infrastructure, etc.) to improve information on the fishery resources within the exclusive economic zone of Guinea.
2. The competent Guinean authorities shall send to the Commission a report on the utilization of the funds.
3. The Community's contribution to the scientific and technical programmes shall be paid on each occasion into an account specified by the Office of the Secretary of State for Fisheries.

Article 5

The Community shall make it easier for nationals of Guinea to find places in establishments in its Member States or in the ACP States and shall provide for that purpose, during the period referred to in Article 1, 11 (eleven) three-year study and training grants in the various scientific, technical and economic subjects connected with fisheries.

Two of these three-year grants, equivalent to a sum of no more than 55 000 (fifty-five thousand) ECU may be used to finance study trips and cover the expenses of participation by officials of the Office of the Secretary of State for Fisheries in conferences and seminars held in the Member States and the ACP States.

Article 6

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