

Agreement between the European Economic Community and the Government of the Republic of Equatorial Guinea on fishing off the coast of Equatorial Guinea -

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THE EUROPEAN ECONOMIC COMMUNITY, hereinafter referred to as "the Community",
and
THE GOVERNMENT OF THE REPUBLIC OF EQUATORIAL GUINEA, hereinafter referred to as "Equatorial Guinea",
CONSIDERING the spirit of cooperation resulting from the Lomé Convention and the good cooperative relations between the Community and Equatorial Guinea,
CONSIDERING the desire of the Government of Equatorial Guinea to promote the rational exploitation of its fishery resources by means of intensified cooperation,
RECALLING that, in respect of sea fishing, Equatorial Guinea exercises its sovereignty or jurisdiction over a zone extending up to two hundred nautical miles from its coast,
TAKING INTO ACCOUNT the work of the Third United Nations Conference on the Law of the Sea,
DETERMINED to conduct their relations in a spirit of mutual trust and respect for each other's interests in the sphere of sea fishing,
DESIROUS of establishing the terms and conditions governing fishing activities of common interests to both parties,
HAVE AGREED AS FOLLOWS:

Article 1

The purpose of this Agreement is to establish the principles and rules which will in future govern, in all respects, the fishing activities of vessels flying the flags of Member States of the Community, hereinafter referred to as "Community vessels", in the waters over which Equatorial Guinea has sovereignty or jurisdiction in respect of fisheries, hereinafter referred to as "Equatorial Guinea's fishing zone".

Article 2

The Government of Equatorial Guinea shall permit fishing by Community vessels in Equatorial Guinea's fishing zone in accordance with this Agreement.

Article 3

1. The Community undertakes to take all appropriate steps to ensure that its vessels observe the provisions of the Agreement and the rules and regulations governing fishing in Equatorial Guinea's fishing zone.
2. The authorities of Equatorial Guinea shall notify the Commission of the European Communities of any proposed changes to the said rules and regulations.

Article 4

1. Fishing activities in Equatorial Guinea's fishing zone may be carried out by Community vessels only if so authorized by the authorities of Equatorial Guinea at the Community's request.
2. Such authorization shall be subject to payment of the fees due by the shipowners concerned.
3. The amount of the fee and the methods of payment shall be as specified in the Annex.

Article 5

The Parties undertake to coordinate action, either directly or within international organizations, to ensure the management and conservation of the living resources, particularly in the eastern-

central Atlantic and in respect of highly migratory species, and to facilitate the relevant scientific research.

Article 6

In return for the fishing opportunities accorded under Article 2, the Community shall participate, in accordance with the conditions and arrangements stipulated in the Protocol annexed to this Agreement, in the execution of development projects in Equatorial Guinea, without prejudice to the financing received by Equatorial Guinea under the Lomé Convention.

Article 7

The Parties agree to enter into consultations in the event of a dispute concerning the interpretation or application of this Agreement.

Article 8

A Joint Committee shall be set up to ensure that this Agreement is applied correctly. The Committee shall meet once a year, at the request of either Contracting Party, alternately in Equatorial Guinea and in the Community.

Article 9

Nothing in this Agreement shall affect or prejudice in any manner the views of either Party with respect to any matter relating to the Law of the Sea.

Article 10

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Economic Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of Equatorial Guinea.

Article 11

The Annex and the Protocol form an integral part of this Agreement and, unless otherwise specified, a reference to this Agreement shall constitute a reference to them.

Article 12

This Agreement shall be concluded for an initial period of three years from the date of its entry into force. Unless one of the parties ends it by giving notice to that effect six months before the end of the three-year period, it shall remain in force for further periods of one year, unless denounced by notice given at least three months before the end of each such one-year period. In that event the Contracting Parties shall enter into negotiations to determine by common agreement what amendments or additions to the Annex or Protocol are required.

Article 13

This Agreement shall enter into force on the date on which the Parties notify each other of the completion of the procedures necessary for this purpose.

Done at Malabo, on the fifteenth day of June in the year one thousand nine hundred and eighty-four, in duplicate in the Danish, Dutch, English, French, Greek, German, Italian and Spanish languages, each of these texts being equally authentic.

For Rådet for De europæiske Fællesskaber

Für den Rat der Europäischen Gemeinschaften

For the Council of the European Communities

Pour le Conseil des Communautés européennes

Per il Consiglio delle Comunità europee
Voor de Raad van de Europese Gemeenschappen
En nombre del Consejo de las Comunidades Europeas
For regeringen for republikken Ækvatorialguinea
Für die Regierung der Republik Äquatorialguinea
For the Government of the Republic of Equatorial Guinea
Pour le gouvernement de la république de Guinée équatoriale
Per il governo della Repubblica della Guinea equatoriale
Voor de Regering van de Republiek Equatoriaal Guinee
En nombre del Gobierno de la República de Guinea Ecuatorial

ANNEX Conditions for the pursuit of fishing activities by Community vessels in Equatorial Guinea's fishing zone

1. The relevant Community authorities shall forward, as a rule three months before the date of the beginning of the requested period of validity, the list of the vessels which will fish under the Agreement during the following 12 months.
2. The fees provided for in Article 4 of the Agreement and payable by the shipowners referred to in 1 above are hereby set at 20 ECU per tonne caught in Equatorial Guinea's fishing zone.
3. Once the Agreement enters into force, the sum of 40 000 ECU shall be paid by the shipowners to Equatorial Guinea's Treasury as an advance on the fees.
4. A provisional statement of the fees due in respect of each fishing year shall be drawn up at the end of each calendar year, on the basis of the provisional catch statements drawn up by the shipowners and forwarded simultaneously to the Equatorial Guinea authorities and to the relevant authorities of the Commission of the European Communities. The corresponding amount shall be paid to Equatorial Guinea's Treasury by 31 December of the current year at the latest.
The final statement of the fees due in respect of a fishing year shall be drawn up by the relevant authorities of the Commission of the European Communities in the light of the catch situation as established by the International Commission for the Conservation of Atlantic Tunas for the fishing year in question.
The shipowners shall be notified of the statement and shall have 30 days in which to meet their financial obligations.
5. When the Agreement expires, the sum paid as an advance shall be deducted from the final payment.
6. Before the Agreement enters into force, the authorities of Equatorial Guinea shall give notice of the arrangements for the payment of fees, and in particular the accounts and the currencies to be used.
7. While they are engaged in fishing activities in Equatorial Guinea's fishing zones vessels shall communicate to the Annobon radio station (call sign : 3 CA-24) the result of each seine haul. Vessels shall take observers on board at the request of the authorities of Equatorial Guinea. An observer must not be present for longer than the time required to make spot checks on the catches.