

PROTOCOL

defining, for the period from 3 May 1999 to 2 May 2000, the fishing opportunities and financial compensation provided for in the Agreement between the European Community and the Government of the People's Republic of Angola on fishing off Angola

Article 1

From 3 May 1999, for a period of one year, the limits referred to in Article 2 of the Agreement shall be as follows:

1. shrimp vessels: 6 550 gross registered tonnage (GRT) per month, as an annual average (maximum 22 vessels).

However, the quantities to be fished by Community vessels may not exceed 5 000 t of shrimps and prawns per year, of which 30% shall be prawns and 70% shrimps;

2. demersal trawlers: 2 000 GRT per month, as an annual average;
3. bottom longliners, fixed gillnets: 1 750 GRT per month, as an annual average.

Fishing for *Centrophorus granulosus* is forbidden;

4. freezer tuna seiners: 18 vessels;
5. surface longliners: 25 vessels;
6. on a trial basis: fishing of pelagic species: 2 vessels.

Because of the nature of this type of fishing, it shall be subject to a trial period of six months starting on the date that this Protocol enters into force.

Article 2

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 10 300 000 payable into an account to be indicated by the Ministry of Fisheries.

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. The use to which this compensation is put shall be the sole responsibility of Angola.

Article 3

During the period referred to in Article 1, the Community shall also contribute EUR 1 700 000 towards the financing of Angolan scientific and technical programmes (equipment, infrastructure, monitoring, seminars, studies, institutional support for non-industrial fishing, etc.). This amount shall be payable to the Research Institute of the Ministry of Fisheries. Part of this amount may be used to cover Angola's contributions to international fisheries organisations.

During the life of this Protocol the Community shall provide EUR 350 000 annually for scientific studies and fishery surveys.

Article 4

The two parties agree that improving the skill and knowledge of persons employed in sea fishing as an essential part of the success of their cooperation. To this end the Community shall provide the Angolan nationals with study and practical training grants in the various scientific, technical and economic disciplines related to fisheries.

These grants may also be used in any state linked to the Community by a cooperation agreement. The total cost of these grants shall not exceed EUR 1 000 000. This amount shall be transferred to the account indicated by the Ministry of Fisheries. The Ministry shall administer all the grants and other activities thus funded.

Article 5

Should the Community fail to make the payments provided for in Articles 2, 3 and 4 within the time limits laid down, application of the Agreement may be suspended.

Article 6

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

Article 7

This Protocol shall enter into force on the date of its signing.

It shall apply from 3 May 1999.

ANNEX A

CONDITIONS GOVERNING FISHING ACTIVITIES IN ANGOLAN WATERS BY COMMUNITY VESSELS

1. LICENCE APPLICATION AND ISSUING FORMALITIES

- 1.1. The Commission of the European Communities (hereafter referred to as 'the Commission') shall present to Angola's fishing authority, via the Delegation of the Commission in Angola, an application made by the shipowner for each vessel that wishes to fish under this Agreement, 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 and Appendix 2. On first application the form should be accompanied by a tonnage certificate. All licence applications shall be accompanied by proof of payment of the licence fee for the period of its validity.

For the purposes of this Protocol the fishery products caught by Community vessels fishing under this Agreement shall be of Community origin.

- 1.2. Each licence shall be issued to the shipowner for one designated vessel. At the request of the Commission the licence for a vessel shall, in cases of proven *force majeure*, be replaced by a licence valid for another Community vessel of a similar type.
- 1.3. Licences shall be issued by the Angolan authorities to the skipper of the vessel in the port of Luanda after inspection of the vessel by the competent authority. However, in the case of tuna vessels and surface longliners, licences shall be issued to the shipowners or their representatives or agents.
- 1.4. The Delegation of the Commission in Angola shall be notified of the licences issued by Angola's fishing authority.
- 1.5. The licence document must be held 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 of payment of the advance by the Commission to the Angolan authorities and the list shall then be communicated to the Angolan authorities responsible for supervising fisheries. Pending receipt of the licence, a copy may be obtained by fax and should be kept on board.
- 1.6. Licences shall be valid for periods of one year.
- 1.7. Each vessel shall be represented by an agent who is resident in Angola and approved by the Ministry of Fisheries.
- 1.8. The Angolan authorities shall communicate, as soon as possible, particulars of the bank accounts and currencies to be used for financial settlements under this Agreement.

2. LICENCE FEES

2.1. **Provisions applicable to trawlers**

The fees shall be:

- shrimp vessels: EUR 56/month per GRT;
- demersal vessels: EUR 195/year per GRT.

The fees may be paid quarterly or half-yearly. In this case the amount shall be increased by 5% and 3% respectively.

2.2. Provisions applicable to tuna vessels and surface longliners

The fees, shall be EUR 20 per tonne caught within Angola's fishing zone.

Licences shall be issued following advance payment to Angola at a flat rate of EUR 4 000 a year for each freezer tuna seiner, equivalent, to the fees for a catch of 200 t per year, and at a flat rate of EUR 2 000 a year for each surface longliner, equivalent to the fees for 100 t of catch per year.

The final statement of the fees due for the fishing year shall be drawn up by the Commission at the end of the first quarter of the year following that of the catches on the basis of the catch statements made for each vessel and verified by a specialised scientific body in the region.

This statement shall be communicated to the Angolan authorities and to the shipowners at the same time. The shipowners shall make any additional payment, within 30 days of notification of the final statement at the latest, into an account opened with a financial institution or any other body specified by the Angolan authorities.

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

3. BIOLOGICAL RECOVERY

Each year there is the possibility that a closed season on shrimp fishing may be decided for reasons of biological recovery in the light of the findings of scientific surveys. The Commission and shipowners shall be notified not less than three months in advance of any such closed season. Shipowners shall not pay for the licence fee during this period.

4. BY-CATCHES

The by-catches of shrimp vessels shall be the property of the shipowners. They shall be authorised to catch up to 500 t of crab per annum.

5. LANDINGS

Community surface longliners shall endeavour to help supply Angolan tuna-canning factories, in accordance with their fishing effort in the zone, at a price to be jointly agreed between the shipowners and the Angolan fishing authorities based on current international market prices. Payment shall be in a convertible currency.

6. TRANSHIPMENTS

All transshipments shall be notified to the competent Angolan fishing authorities eight days in advance and shall take place in one of the bays of Luanda or Lobito in the presence of the tax authorities.

A copy of the documentation relating to transshipments shall be forwarded to the Inspection and Monitoring Department of the Ministry of Fisheries 15 days before the end of each month for the preceding month.

7. STATEMENT OF CATCHES

7.1. Shrimp vessels and demersal trawlers

7.1.1 At the end of each fishing campaign these vessels must forward to the Fisheries Research Institute in Luanda, via the Delegation of the Commission, the daily catch reports drawn up by the skipper in accordance with the specimen contained in Appendices 3 and 4.

Furthermore, each vessel shall present a monthly report to the planning office of the Ministry of Fisheries, via the delegation of the Commission, 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.

- 7.1.2. These vessels must also inform Luanda radio station on a daily basis of their geographical position and the previous day's catches. Shipowners shall be notified of the call sign at the time of issue of the fishing licence. If it is not possible to use the radio, vessels may use alternative means of communication such as telex or telegraph.

Before leaving Angola's fishing zone, these vessels must obtain authorisation from the Department of Inspection and Monitoring of the Ministry of Fisheries and have the catches on board checked.

7.2. Tuna vessels and surface longliners

Every three days during the fishing period 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.

If it is not possible to use the radio, vessels may use alternative means of communication such as telex or telegraph.

In addition, the skipper shall keep a fishing log book, in accordance with Appendix 5, for each fishing period spent in Angola's fishing zone.

This form must be completed legibly and be signed by the skipper of the vessel and sent to the Department of Inspection and Monitoring of the Ministry of Fisheries via the Delegation of the European Communities within 45 days of the end of the fishing campaign.

In the event of failure to comply with this provision, Angola reserves the right to apply the penalties provided for in its legislation.

8. FISHING ZONES

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

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

- 8.3. The fishing zones accessible to vessels engaged in demersal fishing shall comprise all waters under the sovereignty or the 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 and south and southwards by a line five miles north of the limit between the exclusive economic zones (EEZs) of Angola and Namibia,

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

9. SIGNING OF CREWS

Owners of all vessels, except freezer tuna seiners and surface longliners, to whom fishing licences have been issued under this Agreement shall contribute to the on-the-job vocational training of at least five Angolan seamen on board each vessel, who shall be freely chosen from a list drawn up by the Ministry of Fisheries.

Should an observer be taken on board at Angola's request, he shall be included among the five seamen referred to above.

Community shipowners shall endeavour to increase the number of seamen and improve their vocational skills.

The seamen's wages shall be borne by the shipowners in accordance with the terms mutually agreed and shall be paid into an account opened with a financial institution designated by the Ministry of Fisheries. This pay shall include life insurance against all risks.

10. SCIENTIFIC OBSERVERS

Any vessel may be asked to take on board a scientific observer designated and employed by the Ministry of Fisheries.

The scientific observer shall receive the same treatment as the ship's officers. The observer shall be given all facilities necessary for him to carry out his duties. The scientific observer's presence and work should neither interrupt nor hinder the fishing activities.

EUR 15 shall be paid by shipowners for each day spent on board by an observer on duty to cover the cost to Angola of placing observers on vessels. The period spent on board a vessel by a scientific observer shall be the length of a trip.

11. INSPECTION AND MONITORING

At the request of the Angolan authorities, Community fishing vessels operating under 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 remain on board no longer than is necessary for the accomplishment of their duties.

12. FUEL SUPPLIES, REPAIRS AND OTHER SERVICES

All vessels, except tuna vessels, operating in Angola's fishing zone under this Agreement must obtain their fuel and water supplies and have shipyard repairs and maintenance carried out in Angola wherever possible.

Subject to these same conditions, the transport of crews shall be undertaken by the Angolan national airline, (TAAG).

13. MESH SIZES

The minimum size of the mesh used shall be:

13.1. 40 mm for shrimp fishing, and

13.2. 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.

14. BOARDING PROCEDURE

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

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ANNEX B

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

1. LICENCE APPLICATION AND ISSUING FORMALITIES

- 1.1. The Commission shall present to Angola's fishing authority, via the Delegation of the Commission in Angola, an application made by the shipowner for each vessel that wishes to fish under this Agreement, 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 should be accompanied by a tonnage certificate. All licence applications shall be accompanied by proof of payment of the licence fee for the period of its validity.

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 are presented only with the first application or when the technical characteristics of the vessel have changed.

- 1.2. On first application, a licence will be issued to the shipowner for one designated vessel. At the request of the Commission the licence for a vessel shall, in cases of proven *force majeure*, be replaced by a licence valid for another Community vessel of a similar type.
- 1.3. Licences shall be issued by the Angolan authorities to the skipper of the vessel in the nearest port after inspection of the vessel by the competent authority.
- 1.4. The Delegation of the Commission in Angola shall be notified of the licences issued by Angola's fishing authority.
- 1.5. The licence document must be held on board at all times. However, the vessel shall be entered on the list of authorised fishing vessels as soon as notification is received of payment of the advance by the Commission to the Angolan authorities and the list shall then be communicated to the Angolan authorities responsible for supervising fisheries. Pending receipt of the licence, a copy may be obtained by fax and should be kept on board.
- 1.6. Licences shall be valid for a minimum period of one month and be renewable.
- 1.7. Each vessel shall be represented by an agent who is resident in Angola and approved by the Ministry of Fisheries.
- 1.8. The Angolan authorities shall communicate particulars of the bank accounts and currencies to be used for payment of fees before the entry into force of this Protocol.
- 1.9. Licences shall authorise the fishing of mackerel and horse mackerel. A by-catch of up to 10% is authorised.

2. LICENCE FEES

The fee shall be set at EUR 2/month per GRT.

After the trial period the conditions governing fishing shall be laid down by common agreement of the shipowners and the Angolan authorities in the light of the results of this period.

3. TRANSHIPMENTS

All transshipments shall be notified to the competent Angolan fishing authorities eight days in advance and shall take place in one of the bays of Luanda or Lobito in the presence of the tax authorities.

A copy of the documentation relating to transshipments shall be forwarded to the Inspection and Monitoring Department of the Ministry of Fisheries 15 days before the end of each month for the preceding month.

4. STATEMENT OF CATCHES

- 4.1. At the end of each fishing campaign these vessels must forward to the Fisheries Research Institute in Luanda, via the Delegation of the European Commission, the daily catch reports drawn up by the skipper in accordance with the specimen contained in Appendix 6.

Furthermore, each vessel shall present a monthly report to the planning office of the Ministry of Fisheries, via the delegation of the European Commission, 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.

- 4.2. Before leaving Angola's fishing zone, these vessels must obtain authorisation from the Department of Inspection and Monitoring of the Ministry of Fisheries and have the catches on board checked.

In the event of failure to comply with this provision, Angola reserves the right to apply the penalties provided for in its legislation.

5. FISHING ZONES

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

6. SIGNING ON OF CREWS

Vessels fishing for pelagic species during the trial period shall not be subject to the requirement to sign on Angolan fishermen.

7. SCIENTIFIC OBSERVERS

Any vessel may be asked to take on board a scientific observer designated and employed by the Ministry of Fisheries.

The scientific observer shall receive the same treatment as the ship's officers. The observer shall be given all facilities necessary for him to carry out his duties. The scientific observer's presence and work should neither interrupt nor hinder the fishing activities.

EUR 15 shall be paid by shipowners for each day spent on board by an observer on duty to cover the cost to Angola of placing observers on vessels. The period spent on board a vessel by a scientific observer shall be the length of a trip.

8. INSPECTION AND MONITORING

At the request of the Angolan authorities, Community fishing vessels operating under 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 remain on board no longer than is necessary for the accomplishment of their duties.

9. FUEL SUPPLIES, REPAIRS AND OTHER SERVICES

All vessels operating in Angola's fishing zone under this Agreement must obtain their fuel and water supplies and have shipyard repairs and maintenance carried out in Angola wherever possible.

Subject to these same conditions, the transport of crews shall be undertaken by the Angolan national airline, TAAG.

Fuel shall not be taken on board outside the ports of Luanda or Lobito without authorisation from the Department of Inspection and Monitoring of the Ministry of Fisheries.

10. MESH SIZES

The minimum size of the mesh used shall be that laid down by Angolan law.

11. BOARDING PROCEDURE

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

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Appendix 1

APPLICATION FOR A LICENCE TO FISH FOR SHRIMP AND DEMERSAL SPECIES IN THE WATERS OF ANGOLA

PART A

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

PART B

To be completed for each vessel

- 1. Period of validity:
- 2. Name of vessel:
- 3. Year of construction:
- 4. Original flag country:
- 5. Currently flying the flag of:
- 6. Date of acquisition of current flag:
- 7. Year of acquisition:
- 8. Port and registration number:
- 9. Fishing method:
- 10. Gross registered tonnage:
- 11. Radio call sign:
- 12. Overall length (m):
- 13. Bow (m):
- 14. Depth (m):
- 15. Construction material of the hull:
- 16. Engine power (bhp):
- 17. Speed (knots):
- 18. Cabin capacity:
- 19. Capacity of fuel tanks (m³):
- 20. Capacity of fish holds (m³):
- 21. Colour of the hull:
- 22. Colour of the superstructure:

23. Communication equipment on board:

Type	Brand	Power (watts)	Year of construction	Frequencies	
				Reception	Transmission

24. Navigation and detection equipment installed:

Type	Brand	Model	Range

25. Name of captain:

26. Nationality of captain:

To be annexed:

- three colour photographs of the vessel (side view),
- diagram and detailed description of fishing gear used,
- document giving proof of authority for the owner's representative to sign this application.

.....
(Date of application)

.....
(Signature of owner's representative)

Appendix 2

APPLICATION FOR A LICENCE TO FISH FOR TUNA IN THE WATERS OF ANGOLA

PART A

- 1. Name of owner:
- 2. Nationality of owner:
- 3. Business address of owner:
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PART B

To be completed for each vessel

- 1. Period of validity:
- 2. Name of vessel:
- 3. Year of construction:
- 4. Original flag country:
- 5. Currently flying the flag of:
- 6. Date of acquisition of current flag:
- 7. Year of acquisition:
- 8. Ports and registration number:
- 9. Fishing method:
- 10. Gross registered tonnage:
- 11. Radio call sign:
- 12. Overall length (m):
- 13. Bow (m):
- 14. Depth (m):
- 15. Construction material of the hull:
- 16. Engine power (bhp):
- 17. Speed (knots):
- 18. Cabin capacity:
- 19. Capacity of fuel tanks (m³):
- 20. Capacity of fish holds (m³):
- 21. Freezing capacity (tonnes/24 hours) and freezing system used:
- 22. Colour of the hull:
- 23. Colour of the superstructure:

24. Communication equipment on board:

Type	Brand	Model	Power (watts)	Year of construction	Frequencies	
					Reception	Transmission

25. Navigation and detection equipment installed:

Type	Brand	Model

- 26. Auxiliary vessels used (for each vessel):
- 26.1. Gross registered tonnage:
- 26.2. Overall length (m):
- 26.3. Bow (m):
- 26.4. Depth (m):
- 26.5. Construction material of the hull:
- 26.6. Engine power (bhp):
- 26.7. Speed (knots):
- 27. Auxiliary aerial fish equipment (even if not based on board):
- 28. Home port:
- 29. Name of captain:
- 30. Nationality of captain:

To be annexed:

- three colour photographs of the vessel (side view) and of auxiliary fishing vessels and of auxiliary aerial equipment for fish detection,
- diagram and detailed description of fishing gear used,
- document giving proof of authority for the owner's representative to sign this application.

.....
(Date of application)

.....
(Signature of owner's representative)



Appendix 3.2

TRIP

Radio call signal (1)	
Registration (2)	
Name of the vessel (3)	
Nationality (4)	
Owner (5)	

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

FISHING GEAR (Record the dimensions) (9)

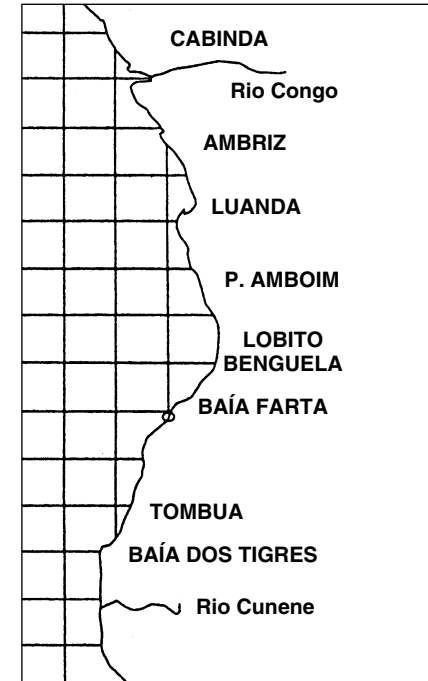
Gear	Headline (m) (g)	Footrope (m)	Codend mesh size (mm)
Demersal trawl (a)			
Pelagic trawl (b)			
Shrimp trawl (c)			
	Floatline	Depth (m)	
Seine (d)			
	Length (m)	No of hooks	
Longline (e)			
	Length (m)	Depth (m)	
Gillnet/trammel net (f)			
Other (specify)			

MAIN SPECIES FISHED (please enter name or number) (10)

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Please enter in the adjacent diagram the TOTAL NUMBER OF FISHING DAYS in each box (11)

TOTAL CATCH KG (Weight of all fish on board) (12)	
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Appendix 4.2

TRIP

Radio call signal (1)	
Registration (2)	
Name of the vessel (3)	
Nationality (4)	
Owner (5)	

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

FISHING GEAR (Record the dimensions) (9)

Gear	Headline (m) (g)	Footrope (m)	Codend mesh size (mm)
Demersal trawl (a)			
Pelagic trawl (b)			
Shrimp trawl (c)			
	Floatline	Depth (m)	
Seine (d)			
	Length (m)	No of hooks	
Longline (e)			
	Length (m)	Depth (m)	
Gillnet/Trammel net (f)			
Other (specify)			

MAIN SPECIES FISHED (please enter name or number) (10)

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Please enter in the adjacent diagram the TOTAL NUMBER OF FISHING DAYS in each box (11)

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