

Protocol setting out, for the period 28 February 1998 to 27 February 2001, the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off the Comoros
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Article 1

Pursuant to Article 2 of the Agreement, licences authorising simultaneous fishing in Comorian waters shall be granted to 44 freezer tuna seiners and 16 surface longliners for a period of three years beginning on 28 February 1998.

Article 2

1. The financial compensation referred to in Article 6 of the Agreement shall be fixed at ECU 180 000 per year, to be paid not later than 1 September each year.
2. This financial compensation shall cover catches of 4 500 tonnes per year in Comorian waters. If the volume of tuna caught by Community vessels in Comorian waters exceeds this volume, the amount of the financial compensation shall be increased by ECU 50 per additional tonne.
3. The financial compensation shall be paid into an account to be indicated by the Government of the Islamic Federal Republic of the Comoros, in the name of the Public Treasury.
4. The use to which the compensation is to be put shall fall within the exclusive competence of the Government of the Comoros.

Article 3

During the period covered by the Protocol, the Community shall contribute an additional ECU 540 000 to financing the measures described below, allocated as follows:

1. the financing of scientific and technical programmes (equipment, infrastructure, improved fisheries-related administrative and training structures, etc.) to increase knowledge of the fishery resources in Comorian waters: ECU 250 000,
2. support for the structures responsible for fisheries surveillance: ECU 70 000,
3. institutional support to the Ministry responsible for fisheries: ECU 50 000,
4. the financing of study grants, practical training courses or seminars in the various scientific, technical and economic fields linked to fishing: ECU 60 000,
5. the Comoros' contribution to the international fisheries organisations: ECU 70 000,
6. the expenses of Comorian delegates participating in international meetings concerning fisheries: ECU 40 000.

The measures will be adopted by the Ministry responsible for fisheries, which will inform the Commission of the European Communities thereof.

The amounts allocated shall be made available to the Government of the Islamic Federal Republic of the Comoros and paid into the bank accounts indicated by it, except the amounts referred to in points 4 and 6 of the first paragraph, which shall be paid as they are used.

The Ministry responsible for fisheries shall transmit an annual report on the implementation of these measures and the results achieved to the Delegation of the Commission of the European Communities in the Comoros, not later than three months after the anniversary date of the Protocol. The Commission of the European Communities reserves the right to request additional information on these results from the Ministry responsible for fisheries and to review the payments concerned in the light of the actual implementation of the measures.

Article 4

Should the Community fail to make the payments provided for in Articles 2 and 3, the Fisheries Agreement may be suspended.

Article 5

The Protocol to the Agreement between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off the Comoros is hereby repealed and replaced by this Protocol.

Article 6

This Protocol shall enter into force on the date of its signing.
It shall apply from 28 February 1998.

ANNEX

CONDITIONS FOR THE PURSUIT OF FISHING ACTIVITIES BY COMMUNITY VESSELS IN COMORIAN WATERS

1. Application for and issue of licences

The procedure for application for, and issue of, the licences allowing Community vessels to fish in Comorian waters shall be as follows.

1.1. The Commission of the European Communities, through its representative in the Comoros, shall submit to the Comorian Ministry responsible for fisheries, at least 20 days before the date of commencement of the period of validity requested, an application in respect of each vessel wishing to fish under this Agreement, drawn up by the owner. The applications shall be made on the forms provided for that purpose by the Comoros, a specimen of which is attached in Appendix 1.

1.2. Licences shall be issued to shipowners for a specific vessel. At the request of the Commission of the European Communities, a licence issued for one vessel may, and in cases of force majeure shall, be replaced by a licence issued for another Community vessel.

1.3. Licences shall be issued by the Ministry responsible for fisheries to the Commission's representative in the Comoros.

1.4. Licences must be held on board at all times; however, fishing shall be authorised as soon as the Comorian Ministry responsible for fisheries has received notification from the Commission of the European Communities that the advance payment has been made. Pending receipt of the original of the licence, a copy of the licence that has been drawn up may be issued by fax to be held on board the vessel.

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

1.6. The licence fee shall be set at ECU 20/tonne of tuna caught in Comorian waters.

1.7. Licences shall be issued following advance payment to the Comoros of a lump sum of ECU 1 750 a year for each tuna seiner and ECU 750 a year for each surface longliner.

1.8. Before the entry into force of the Agreement the Comorian authorities shall communicate the arrangements for payment of the licence fees, in particular the details of the bank account and the currency to be used.

2. Statement of catch and statement of fees due from shipowners

The captain shall complete a fishing form corresponding to the specimen in Appendix 2 for each period spent fishing in the Comorian fishing zone. The form may be replaced during the period

of application of the Protocol by another document devised for the same purpose by an international organisation responsible for tuna-fishing in the Indian Ocean.

The form, which must be legible and signed by the captain of the ship, shall be sent to the Office of Overseas Scientific and Technical Research and the Spanish Oceanographic Institute for processing within one month of the end of each calendar quarter.

If these provisions are not complied with, the Comorian Ministry responsible for fisheries reserves the right to suspend the licence of the offending vessel until these formalities have been carried out and to apply the penalties provided for under national law.

Member States shall inform the Commission of the European Communities before 15 April of the tonnages caught during the past year, as confirmed by the scientific institutes. On the basis of those figures the Commission shall establish a breakdown of the fees due in respect of a fishing year, which it shall then send to the Comorian Ministry responsible for fisheries for its comments.

Shipowners shall be notified of this breakdown by the Commission of the European Communities by the end of April at the latest and shall have 30 days in which to meet their financial obligations. Shipowners cannot recover the balance in cases where the amount payable in respect of actual fishing operations is less than the advance payment.

3. Inspection and monitoring

Community vessels fishing in the Comorian fishing zone shall permit and facilitate the boarding and fulfilment of the tasks of Comorian officials responsible for the inspection and monitoring of fishing activities. These officials should not remain on board any longer than the time required to verify catches by sampling and carrying out any other inspections relating to fishing activities.

4. Observers

At the request of the Comorian Ministry responsible for fisheries, tuna vessels shall take on board an observer designated by the former to check catches made in Comorian waters. Observers shall have all the facilities needed for the performance of their duties, including access to parts of the ship and documents. Observers shall not remain on board for longer than the time required to carry out their duties. Observers shall be provided with suitable food and accommodation while on board. Should a tuna vessel with a Comorian observer on board leave Comorian waters, every step shall be taken to ensure that the observer returns to the Comoros as soon as possible, at the shipowner's expense.

5. Communication of information

Fishing vessels shall communicate the date and time direct to the Comorian Ministry responsible for fisheries immediately on entering or leaving the Comorian fishing zone and their position and catches held on board within three hours of entering or leaving the zone and every three days while engaged in fishing activities in Comorian waters. This information should preferably be communicated by fax or, for vessels not equipped with a fax, by radio.

The Comorian Ministry responsible for fisheries shall inform vessels of the relevant fax number and radio frequency when the fishing licence is issued.

The Comorian Ministry responsible for fisheries and the shipowners shall keep a copy of fax communications or a recording of radio communications until both parties have agreed to the final statement of fees due referred to in point 2.

A vessel found to be fishing without having informed the Comorian Ministry responsible for fisheries shall be regarded as a vessel without a licence.

6. Fishing zones

To avoid adverse effects on small-scale fisheries in Comorian waters, Community tuna vessels shall not be allowed to fish within 10 nautical miles of any of the islands nor within a radius of three nautical miles of fish aggregating devices placed by the Comorian Ministry responsible for fisheries, the positions of which have been communicated to the representative of the Commission of the European Communities in the Comoros.

These provisions may be reviewed by the Joint Committee referred to in Article 7 of the Agreement.

7. Ownership of rare species

Any coelacanth (*Latimeria chalumnae*) caught by a Community vessel authorised to fish in Comorian waters under the Agreement remains the property of the Comoros and must be turned over, without charge, to the port authorities of Moroni or Mutsamudu immediately in the best state possible.

8. Transhipment

Community vessel owners must give consideration to the existence of the harbour facilities of Mutsamudu for any transhipment operations.

Appendix 1

LICENCE APPLICATION FORM FOR A FOREIGN FISHING VESSEL

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Appendix 2

ICCAT LOGBOOK for TUNA FISHERY

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