

Agreement between the European Economic Community and the Government of the Revolutionary People's Republic of Guinea on fishing off the Guinean Coast -

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THE EUROPEAN ECONOMIC COMMUNITY (hereinafter referred to as "the Community"), and the GOVERNMENT OF THE REVOLUTIONARY PEOPLE'S REPUBLIC OF GUINEA, CONSIDERING the spirit of cooperation resulting from the Lomé Convention and the good cooperative relations between the Revolutionary People's Republic of Guinea and the Community, CONSIDERING the Guinean Government's desire to promote the rational exploitation of its fishery resources by means of fair cooperation, RECALLING that in particular in respect of sea fishing, the Revolutionary People's Republic of Guinea exercises its sovereignty or jurisdiction over a zone extending up to 200 nautical miles from its coast, TAKING INTO ACCOUNT the work of the Third United Nations Conference on the Law of the Sea, RECOGNIZING that the exercise by coastal States of their sovereign rights in the waters within their jurisdiction for the purposes of exploring, exploiting, conserving and managing the living resources thereof takes account of the principles of international law, 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 mutual interest to the Parties, HAVE AGREED AS FOLLOWS:

Article 1

The purpose of this Agreement is to establish the principles and rules which will govern in future, 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 the Revolutionary People's Republic of Guinea has sovereignty or jurisdiction in respect of fisheries, hereinafter referred to as "Guinea's fishing zone".

Article 2

The Government of the Revolutionary People's Republic of Guinea shall permit fishing activities by Community vessels in Guinea's fishing zone in accordance with this Agreement, and in particular Annex I hereto.

Article 3

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

Article 4

1. Fishing activities in Guinea's fishing zone may be carried out only by Community vessels in possession of a licence issued at the Community's request by the Guinean authorities.
2. The Guinean authorities will issue fishing licences within the limits laid down by category of

vessel in the Protocol referred to in Article 8.

3. Licences shall be valid in the zones specified according to the nature of the activity and the type of vessel concerned.

4. Licences shall be valid, on application by the shipowner, for periods of whole months up to 12 months.

5. Each licence shall be issued for a given vessel and shall not be transferable.

6. At the Community's request, notably in cases of force majeure, the fishing licence for a given vessel may be replaced by a licence for another vessel, the specifications of which do not exceed those of the original vessel.

#### Article 5

1. Licences shall be issued by the authorities of the Revolutionary People's Republic of Guinea upon payment of a fee by the shipowner concerned.

2. The amount of the fee and the methods of payment are given in Annex I.

3. The fee for a licence issued pursuant to Article 4 (1) shall be set in proportion to the period for which the licence is valid.

#### Article 6

The Parties undertake to concert action, either directly or within international organizations, to ensure the management and conservation of the living resources, particularly in the Central East Atlantic, and to facilitate the relevant scientific research.

#### Article 7

Vessels authorized to fish in Guinea's fishing zone under this Agreement shall be obliged to forward to Guinea's Directorate-General for Fisheries full statistics concerning catches, including rejects, in accordance with the form given in Annex II.

#### Article 8

In return for the fishing opportunities granted under this Agreement, the Community shall pay the Revolutionary People's Republic of Guinea compensation as set out in the Protocol to this Agreement.

This compensation, which shall be paid without prejudice to financing accorded to the Revolutionary People's Republic of Guinea under the Lomé Convention, shall be mobilized in accordance with the special procedure described in the said Protocol.

The compensation shall be used to finance projects and services relating to fishing.

#### Article 9

The Parties agree to examine any dispute resulting from the interpretation or application of this Agreement in the most objective and conciliatory spirit, with a view to resolving it.

#### Article 10

A Joint Committee shall be set up to ensure that this Agreement is applied correctly.

The Committee shall meet once a year, alternating between the Revolutionary People's Republic of Guinea and the Community, and shall hold special meetings at the request of either Contracting Party.

#### Article 11

Should the Guinean authorities decide, as a result of an unforeseeable change in the state of the fish stocks, to take new conservation measures which, in the opinion of the Community, have a considerable effect on the fishing activities of Community vessels, consultations must be held between the Parties in order to adapt Annex I referred to in Article 5 and the Protocol referred to

in Article 8.

Such consultations shall be based on the principle that any reduction in the fishing opportunities provided for in the said Protocol shall be offset by other fishing opportunities of equivalent value, account being taken of compensation already paid by the Community.

#### Article 12

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 13

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 the Revolutionary People's Republic of Guinea.

#### Article 14

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

#### Article 15

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 Annexes or Protocol are required.

#### Article 16

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.

Udfærdiget i Conakry, den syvende februar nitten hundrede og treogfirs i to eksemplarer på dansk, engelsk, fransk, græsk, italiensk, nederlandsk og tysk, idet hver tekst har samme gyldighed.

Geschehen zu Conakry am siebten Februar neunzehnhundertdreiundachtzig in zwei Urschriften in dänischer, deutscher, englischer, französischer, griechischer, italienischer und niederländischer Sprache, wobei jeder Wortlaut gleichermaßen verbindlich ist.

Done at Conakry, on the seventh day of February in the year one thousand nine hundred and eighty-three, in duplicate, in the Danish, Dutch, English, French, German, Greek and Italian languages, each of these texts being equally authentic.

Fait à Conakry, le sept février mil neuf cent quatre-vingt-trois, en deux exemplaires, en langues allemande, anglaise, danoise, française, grecque, italienne et néerlandaise, chacun de ces textes faisant également foi.

Fatto a Conakry, il sette febbraio millenovecentottantatré, in duplice esemplare in lingua danese, francese, greca, inglese, italiana, olandese e tedesca, ciascun testo facente ugualmente fede.

Gedaan te Conakry, de zevende februari negentienhonderd drieëntachtig, in twee exemplaren in de Deense, de Duitse, de Engelse, de Franse, de Griekse, de Italiaanse en de Nederlandse taal, zijnde alle teksten gelijkelijk authentiek.

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

For regeringen for Den revolutionære folkerepublik Guinea  
Für die Regierung der Revolutionären Volksrepublik Guinea

For the Government of the Revolutionary People's Republic of Guinea  
Pour le gouvernement de la république populaire révolutionnaire de Guinée  
Per il governo della Repubblica popolare rivoluzionaria di Guinea  
Voor de Regering van de Revolutionaire Volksrepubliek Guinee

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

A. Issue of fishing licences I. The relevant Community authorities must present to the Guinean authorities (Ministry of Agriculture and Fisheries) an application, in accordance with the specimen attached to this Annex, for each vessel that wishes to fish under the Agreement.

II. Provisions for trawlers and shrimp boats 1. Before receiving his licence the captain must present his vessel at the port of Conakry, submit her to inspection to comply with the rules and regulations in force, listed in the Annex hereto, and arrange to be represented by a factor designated by the Ministry of Agriculture and Fisheries.

2. The licence fees shall be equivalent to the following annual amounts: (a) 100 ECU/GRT ; or (b) 80 tonnes (1) of fish landed in a Guinean port ; or

(c) 70 ECU/GRT and 30 % of the quantities specified under (b) for trawlers;

(d) 120 ECU/GRT for shrimp boats taking mixed catches including over 30 % of shrimps by weight.

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

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

4. The fees shall be paid on a pro rata basis relating to the period of validity of the licence.

5. Fees fixed in ECU shall be paid in the currency indicated by the Guinean authorities, in one instalment, at the time of the handing over of the licence at the latest.

III. Provisions applicable to tuna boats 1. The fees shall be set at 20 ECU per tonne caught in Guinea's fishing zone.

2. The licences shall be handed over after payment for the whole of the tuna fleet of an overall lump sum equivalent to the fee for a catch of 500 tonnes of tuna per year and the provision of a banker's guarantee covering payment of any additional sums due in respect of annual catches in excess of the abovementioned quantity. The quantities caught shall be determined in accordance with the statistics established by the International Commission for the Conservation of Atlantic Tunas (ICCAT).

#### B. Fishing zones

The fishing zones accessible to Community vessels shall comprise all waters under Guinean jurisdiction beyond: (a) three nautical miles as regards shrimp boats not exceeding 135 GRT;

- (b) six nautical miles as regards shrimp boats exceeding 135 GRT;
- (c) 15 nautical miles as regards trawlers. (1) Quantity applicable to a vessel of 200 to 400 GRT. Larger vessels will land 100 tonnes. Smaller vessels will land 60 tonnes.

#### C. Meshes authorized

The mesh authorized for the trawl body (mesh fully extended) shall be: (a) 60 mm for trawlers; (b) 25 mm for shrimp boats.

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.

#### D. Penalties

Infringements shall be penalized as follows: (a) payment of a fine of 50 000 to 75 000 ECU for non-compliance with mesh size or fishing zones;

(b) suspension of fishing licence for failure to supply fishing statistics;

(c) payment of a fine of 1 000 ECU per tonne of fish not landed.

#### E. Training grants

The two Parties agree that an essential condition for the success of their cooperation is that the competence of persons engaged in fishing should be improved.

To this end, the European Economic Community shall make it easier for nationals of Guinea to find places in establishments in its Member States or the ACP States and shall provide six three-year study and training grants for that purpose in the various scientific, technical and economic subjects connected with fisheries.

Specimen provided for in A.I (Translation) (1)

The application must be submitted on a form in French.

Annex to Annex I

Rules and regulations referred to in A.II.

THE PRESIDENT OF THE REPUBLIC,

Having regard to Constitutional Law No 4/AN of 10 November 1958, promulgated by Order No 15 of 12 November 1958;

Having regard to Law No 001/AL/75 of 7 January 1975 electing the President of the Republic;

Having regard to Decree No 215/PRG of 1 June 1979 appointing the members of the Cabinet of the President of the Republic;

HAS DECREED AS FOLLOWS:

#### Article 1

The fees charged for safety inspection of boats, pleasure craft, industrial fishing vessels, harbour craft (including dredgers) and coasters shall be set as follows:

#### Article 2

1 000 sylis shall be levied on the preparation of the crew list for each type of vessel.

#### Article 3

The Directorate of the Merchant Navy and its regional districts shall, each to the extent to which it is concerned, be responsible for the implementation of this Decree which repeals all previous provisions to the contrary.

#### Article 4

This Decree which takes effect as from 1 July 1980 shall be registered and published in the Official Journal of the Republic.

Conakry, 15 September 1980

AHMED SEKOU TOURE

Certified true copy

Brussels, 19 November 1982

The Ambassador to the revolutionary People's Republic of Guinea

DAOUDA KOUROUMA

THE PRESIDENT OF THE REPUBLIC,

Having regard to Constitutional Law No 4/AN of 10 November 1958, promulgated by Order No 15 of 12 November 1958;

Having regard to Law No CO1/AL/75 of 7 January 1975 electing the President of the Republic;

Having regard to Decree No 215/PRG of 1 June 1979 appointing the members of the Cabinet of the President of the Republic;

Having regard to Decree No 441/PRG of 15 September 1980 laying down the rates for safety inspections of boats and other vessels,

HAS DECREED AS FOLLOWS

#### CHAPTER I ALLOCATION OF REVENUE OF REGIONAL MARITIME DISTRICTS

##### Article 1

Outside the Conakry Special Zone, revenue collected by the heads of regional maritime districts or merchant navy inspectors on duty in the regions for the various inspections provided for in Decree No 441/PRG of 15 September 1980 shall be divided as follows: 1. 30 % shall be paid to the regional budget;

2. 70 % shall be paid to the national budget.

##### Article 2

In the administrative regions, products and fishing gear seized as a result of boarding shall, after authorization by the Regional Governor, be publicly auctioned without delay by a Commission composed of the following: 1. Chairman : The Secretary-General of the Region responsible for Finance and Planning, or his representative;

2. Vice-Chairman : The Commandant of the Subdivision concerned;

Members:

3. A delegate of the Steering Committee;

4. A delegate of the local PRL;

5. The Head of the Regional Maritime District.

##### Article 3

Sums accruing from the application of Article 2 of this Decree shall be divided as follows: 1. 40 % to the regional budget;

2. 60 % to the national budget.

##### Article 4

Within 48 hours of the sale, the Commission shall draw up a detailed report to be sent to the

Directorate-General for the Merchant Navy.

CHAPTER II FEES FOR ISSUING WORK PERMITS, NAVIGATION LICENCES AND SAFETY CERTIFICATES

Article 5

The fees for issuing work permits, navigation licences and safety certificates shall be as follows:

Article 6

The Commissars-General of the Revolution, the Regional Governors, the Regional Treasurers and the Director-General of the Merchant Navy shall be responsible, each to the extent to which he is concerned, for implementing this Decree which shall take effect from 1 April 1981.

Article 7

This Decree shall be registered and published in the Official Journal of the Republic.

Conakry, 4 April 1981.

AHMED SEKOU TOURE

Certified true copy

Brussels, 19 November 1982

The Ambassador of the Revolutionary People's Republic of Guinea

DAOUDA KOUROUMA

ANNEX II Specimen of form provided for in Article 7 of the Agreement STATEMENT OF CATCH (EEC-Guinea Fishery Agreement)