

Agreement between the European Economic Community and the Government of the Democratic Republic of São Tomé and Príncipe on fishing off São Tomé and Príncipe - Protocol between the European Economic Community and the Government of the Democratic Republic of São Tomé and Príncipe
Official Journal L 054, 25/02/1984 pp. 0002 - 0005

THE EUROPEAN ECONOMIC COMMUNITY, hereinafter referred to as the 'Community', and THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF SÃO TOMÉ AND PRÍNCIPE, hereinafter referred to as 'São Tomé and Príncipe',
CONSIDERING the spirit of cooperation resulting from the Lomé Convention and the good cooperative relations between the Community and São Tomé and Príncipe,
CONSIDERING the desire of the Government of São Tomé and Príncipe to promote the rational exploitation of its fishery resources by means of intensified cooperation,
RECALLING that, in respect of sea fishing, São Tomé and Príncipe exercises its 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 interest 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 the Democratic Republic of São Tomé and Príncipe has jurisdiction in respect of fisheries, hereinafter referred to as 'São Tomé and Príncipe's fishing zone'.

Article 2

The Government of São Tomé and Príncipe shall permit fishing by Community vessels in São Tomé and Príncipe'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 São Tomé and Príncipe's fishing zone.
2. The authorities of São Tomé and Príncipe shall notify the Commission of the European Communities of any proposed changes to the said rules and regulations.

Article 4

1. Fishing activities in São Tomé and Príncipe's fishing zone may be carried out by Community vessels only if so authorized by the authorities of São Tomé and Príncipe at the Community's request.
2. The issue of a licence 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 São Tomé and Príncipe, without prejudice to the financing received by São Tomé and Príncipe 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 and to decide on, if necessary, the amendments or additions to be made to the Annex or Protocol thereof.

The Committee shall meet, at the request of either Contracting Party, alternately in São Tomé and Príncipe 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 the Democratic Republic of São Tomé and Príncipe.

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.

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.

ANNEX

Conditions for the pursuit of fishing activities by Community vessels in São Tomé and Príncipe'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 São Tomé and Príncipe's fishing zone.
3. Once the Agreement enters into force, the sum of 40 000 ECU shall be paid by the shipowners to the National Bank of São Tomé and Príncipe 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 competent authorities of São Tomé and Príncipe and to the competent authorities of the Commission of the European Communities. The corresponding amount shall be paid to the National Bank of São Tomé and Príncipe 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 competent authorities of the Commission of the European Communities in the light of the total catch as established by the International Commission for the Conservation of Atlantic Tuna 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 competent authorities of São Tomé and Príncipe shall give notice of the arrangements for the payment of fees, and in particular the accounts and the currencies to be used.

7. Each time they enter or leave the São Tomé and Príncipe fishing zone, Community vessels shall contact the São Tomé and Príncipe radio station in order to notify the quantity of fish on board at the time.

Vessels shall take observers on board at the request of the São Tomé and Príncipe authorities. An observer must not be present for longer than the time required to make spot checks on the catches.

PROTOCOL

between the European Economic Community and the Government of the Democratic Republic of São Tomé and Príncipe

Article 1

Pursuant to Article 2 of the Agreement and for the period of application of this Protocol, licences to fish in São Tomé and Príncipe's fishing zone shall be granted to 27 ocean-going freezer tuna boats.

In addition, and at the request of the Community, certain further licences may be granted for other categories of fishing vessel on terms to be defined within the Joint Committee.

Article 2

The contribution referred to in Article 6 of the Agreement shall be fixed at a flat rate amount of not less than 180 000 ECU per year. This amount shall cover fishing activities up to a catch of 4 000 tonnes of tuna; if the catch volume by Community vessels in São Tomé and Príncipe's fishing zone exceeds this quantity, the aforesaid amount shall be increased accordingly.

Article 3

If the obligations laid down in this Protocol are not met, the Agreement may be suspended.