

Proposal for a Council Regulation on the conclusion of the Protocol setting out the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal for the period from 1 July 2002 to 30 June 2006

(2003/C 20 E/29)

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(Submitted by the Commission on 2 October 2002)

EXPLANATORY MEMORANDUM

The Community has a longstanding relation with the Democratic Republic of Senegal on Fisheries. The Framework Agreement, which dates from 1980, is the earliest agreement concluded by the Community and quite considerable in financial terms. The Agreement is important both for the fishing possibilities obtained and for its political and economic impact. For Senegal, apart from providing for a considerable financial contribution, the Agreement also ensures an important share of the raw materials to the Senegalese industry, even though the global effect of the EC fishery in Senegalese waters is not very significant. The EC catches compared to the global catches made in Senegal (1997-2001) represented only 1,7-3,3 %, while the EC vessels provided for almost a quarter (24,8 % in 1997) of the landings made by the industrial fleet at the port of Dakar. Under the Protocol some EC vessels are obliged to land a part of their catches in Senegal and the tuna vessels land an important part of their catches in Dakar, not only from the Senegalese EEZ, but from the whole area.

The latest protocol annexed to the fisheries agreement between the EC and Senegal expired on 31 December 2001. The latest round of negotiations to renew the protocol, which took place in Dakar on 24 to 25 June 2002, resulted in the initialling of a new protocol.

The new protocol, which covers the period from 1 July 2002 to 30 June 2006, will be the 17th since the entry into force of this fisheries agreement. It grants fishing opportunities for 78 tuna vessels and 8 000 GRT for trawlers and longliners. Compared to the previous Protocol there has been a considerable reduction of the fishing possibilities on the socially, politically and economically sensitive segments: the coastal demersal segment has been reduced by 30 % and the pelagic segment has been excluded from the new Protocol.

The overall financial contribution to be paid to Senegal has been increased from EUR 12 000 000 per year to EUR 16 000 000 per year. Out of this amount, the Protocol foresees EUR 3 000 000/year for the development of a partnership aiming at, *inter alia*, stock evaluations, control and the surveillance of the fishing activities, the improvement of the safety of the small-scale fishing vessels and institutional support for the introduction of sustainable and responsible fishing.

This partnership constitutes an innovative element which did not exist in the previous protocol and which shows the desire of the two parties to contribute to the development of sustainable and responsible fisheries. Moreover, this partnership envisages a programming and follow-up mechanism, which is in line with the other fishing agreements concluded by the Community with third countries. In this respect, it should also be stressed that, within the framework of the partnership, the Senegalese authorities committed themselves to undertake, for each year of application of the protocol, an evaluation and an audit of all the partnership actions.

The protocol includes several more positive elements, for example:

- For the first time, the new protocol EC/Senegal envisages a continuous monitoring of the development of the state of stocks. To this end, Article 3 of the protocol foresees an annual scientific meeting. On the basis of the conclusions of the scientific meeting, the Joint Committee can adopt appropriate measures of the durable management of resources, including — if necessary — a reduction in the fishing opportunities.
- The new way of calculating the fishing possibilities for trawlers and longliners ('per month, averaged over the year') will show the actual fishing effort deployed and will involve a larger flexibility for the EC fishery. It will also most likely bring about a larger rate of utilisation of the fishing possibilities (cost/benefit).

- The advances paid by ship-owners have been increased.
- The technical conditions have been strengthened (introduction of yearly obligatory biological resting periods, reduced fishing zones, reduced allowed by-catches, larger mesh sizes and increased obligatory landings).
- The number of Senegalese observers and seamen on board Community vessels has been increased.

In view of the above, the new Protocol is considered to be good value for money and will encourage the responsible and sustainable exploitation of the resources to the mutual benefit of the Community and Senegal.

The Commission proposes, on this basis, that the Council adopt the conclusion of the new Protocol by regulation.

A draft Council decision on the provisional application of the new Protocol pending its definitive entry into force is the subject of a separate procedure.

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37, in conjunction with Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas:

(1) In accordance with the Agreement between the European Economic Community and the Republic of Senegal on fishing off the coast of Senegal ⁽¹⁾, the two parties have held negotiations with a view to determining the amendments or additions to be made to the Agreement at the end of the period of application of the Protocol.

(2) As a result of these negotiations, a new Protocol setting out the fishing opportunities and the financial contribution provided for in the above-mentioned Agreement for the period from 1 July 2002 to 30 June 2006 was initialled on 25 June 2002.

(3) It is in the Community's interest to approve the Protocol.

(4) The allocation of the fishing opportunities among the Member States, their obligation to report catches and the obligation for Community shipowners to land tuna catches in Senegal at their own expense in accordance with point C of the Annex to the Protocol should be laid down,

HAS ADOPTED THIS REGULATION:

Article 1

The Protocol setting out the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal for the period from 1 July 2002 to 30 June 2006 is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Regulation.

Article 2

The fishing opportunities set out in the Protocol shall be allocated among the Member States as follows:

— Category 1:

331 gross registered tonnes per quarter (Greece)

649 gross registered tonnes per quarter (Spain)

520 gross registered tonnes per quarter (Italy)

— Category 2:

3 000 gross registered tonnes per month, averaged over the year (Spain)

⁽¹⁾ OJ L 226, 29.8.1980, p. 17.

— Category 3:

3 186 GRT per month, averaged over the year (Spain)

314 GRT per month, averaged over the year (Portugal)

— Category 4:

10 vessels (Spain)

6 vessels (France)

— Category 5:

21 vessels (Spain)

18 vessels (France)

— Category 6:

20 vessels (Spain)

3 vessels (Portugal)

If licence applications from these Member States do not cover all the fishing opportunities fixed by the Protocol, the Commission may take into consideration licence applications from any other Member State.

Article 3

The obligation of direct landing by freezer tuna seiners set out in point C c) of the Annex to the Protocol shall be met by Community shipowners on the basis of the following breakdown:

— Vessels flying the French flag: 44 %

— Vessels flying the Spanish flag: 56 %.

Article 4

The Member States whose vessels fish under this Protocol shall be required to notify the Commission of the quantities of each stock caught in the Senegalese fishing zone in accordance with Commission Regulation (EC) No 500/2001 of 14 March 2001 ⁽¹⁾.

Article 5

The President of the Council is hereby authorised to designate the persons empowered to sign the Protocol in order to bind the Community.

Article 6

This Regulation shall enter into force on the seventh day following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

⁽¹⁾ OJ L 73, 15.3.2001, p. 8.

PROTOCOL

Setting out the fishing opportunities and the financial contribution provided for in the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal for the period from 1 July 2002 to 30 June 2006

Article 1

From 1 July 2002, for a period of four years, the annual limits referred to in Article 4(2) of the Agreement shall be as follows:

1. trawlers (inshore demersal fishing for fish and cephalopods) landing and selling part of their catch in Senegal: 1 500 GRT per quarter;
2. ocean-going fish trawlers (deep-water demersal species) and bottom longliners not landing their catch in Senegal: 3 000 GRT per month averaged over the year;
3. ocean-going freezer trawlers (deep-water demersal fishing for crustaceans, except lobster) not landing their catch in Senegal: 3 500 GRT per month averaged over the year;
4. pole-and-line tuna vessels: 16 vessels;
5. freezer tuna seiners: 39 vessels;
6. surface longliners: 23 vessels.

Article 2

1. The financial contribution for the fishing opportunities provided for in Article 1 is hereby fixed at EUR 16 000 000 a year (of which EUR 13 000 000 as financial compensation and EUR 3 000 000 for the measures referred to in Article 4).
2. The first instalment of the financial compensation shall be payable not later than 31 December 2002 and the other three instalments on the anniversary of the Protocol.
3. The use of the financial compensation shall be the responsibility of Senegal. It shall be paid to the Public Treasury.

Article 3

Throughout the period of validity of this Protocol the European Community (hereinafter referred to as the Community) and the Senegalese authorities shall make every effort to monitor the state of resources in the Senegalese fishing zone; to that end a joint annual scientific meeting is hereby established.

Based on the conclusions of the annual scientific meeting and in the light of the best available scientific advice, the two parties shall consult each other within the Joint Committee provided for in Article 11 of the Agreement and, where necessary and by common agreement, take measures deemed appropriate for the sustainable management of resources.

Should the above measures involve a reduction in the fishing opportunities granted under this Protocol, the financial compensation shall be adjusted.

Article 4

Anxious to ensure the development of sustainable and responsible fishing in their mutual interest, the two parties shall establish a partnership to support the evaluation of the state of stocks, fisheries inspection and monitoring, improving the safety of small-scale fishing vessels, the establishment of responsible fishing and training. Out of the financial contribution provided for in Article 2(1) the Community shall contribute EUR 3 000 000 per year to the measures listed below, broken down as follows:

- Resource monitoring/evaluation of stocks (research, participation in exchange and regional coordination networks, etc.): EUR 500 000
- Fisheries inspection and monitoring (including VMS, etc.): EUR 700 000
- Improving the safety of small-scale fishing: EUR 500 000
- Institutional support for establishing sustainable fishing: EUR 500 000
- Improving skills: EUR 700 000
- Evaluation and audit of partnership schemes: EUR 100 000.

Measures under the partnership and the annual amounts allocated to them shall be decided by the Senegalese Minister with responsibility for sea fishing not later than 31 December 2002 on the basis of an action programme and the European Commission duly notified.

The annual amounts shall be made available to the competent Senegalese authorities not later than 31 December 2002 for the first instalment, and not later than the anniversary date of the Protocol for the other three instalments and paid, on the basis of the programme for their use, into the bank accounts of the competent Senegalese authorities notified by the Ministry responsible for fisheries.

The Ministry responsible for fisheries shall transmit a detailed report on the implementation of these measures and the results achieved to the Delegation of the European Commission, not later than four months after the anniversary date of the Protocol. The said report shall be considered by the Joint Committee referred to in Article 11 of the Agreement. The European Commission may request any additional information on these results from the Ministry responsible for fisheries and may review the following payments concerned in the light of the actual implementation of the various measures, after consulting the Senegalese authorities in the Joint Committee provided for in Article 11 of the Agreement.

Article 5

Failure by the Community to make the payments provided for in Article 2 of this Protocol may result in the suspension of the Fisheries Agreement.

Article 6

Annex I to the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal 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 1 July 2002.

ANNEX

CONDITIONS GOVERNING FISHING IN THE SENEGALESE FISHING ZONE BY VESSELS FLYING THE FLAGS OF EUROPEAN COMMUNITY MEMBER STATES

All the general provisions of the Law laying down the Fishing Code and of the Decree implementing the Code, in force in Senegal, shall also apply to European Community vessels.

A. LICENCE APPLICATION AND ISSUING FORMALITIES

- 1.1. The relevant Community authorities shall present to the Senegalese Ministry responsible for sea fisheries an application in respect of each vessel wishing to fish under the Agreement.

The application shall be made on the form provided for that purpose by the Government of Senegal, a specimen of which is at Appendix 1. It shall be accompanied by a tonnage certificate and proof of payment of the fee. The application shall be lodged with the appropriate departments of the Senegalese Ministry responsible for sea fisheries at least 20 days before the starting date requested.

Any Community vessel applying for a fishing licence must be represented by an agent resident in Senegal. The name and address of that agent must be mentioned in the licence application.

- 1.2. Fees shall include all national and local charges with the exception of port charges and the costs of services. After payment of the fee, the licence shall be signed and forwarded to the Delegation of the Commission of the European Communities in Dakar.

- 1.3. Duration of licences:

— for inshore demersal fishing trawlers, ocean-going trawlers fishing for deep-water demersal fish species and for ocean-going freezer trawlers engaged in deep-water demersal fishing for crustaceans, except lobster, licences shall be issued for three, six or twelve months.

Quarterly licences shall begin on 1 July, 1 October, 1 January and 1 April of each year.

Half-year licences shall begin on 1 July and 1 January of each year.

Annual licences shall begin on 1 July of each year.

The averaging of monthly figures over a year shall mean that the average use per month at the end of a year of the Protocol corresponds to the figure for the category concerned, with the possibility of carrying over unused quantities to the following period.

For tuna fishing and fishing with surface longliners, licences shall be annual and shall begin on 1 July of each year.

1.4. The fees and advances shall be set in accordance with the following rates.

(a) *Fees for trawlers*

1. Trawlers (inshore demersal fishing for fish and cephalopods): in EUR per gross registered ton per year.

1st year	2nd year	3rd year	4th year
246	258	271	285

2. Ocean-going fish trawlers (deep-water demersal species) and bottom longliners not landing their catches in Senegal: in EUR per gross registered ton per year.

1st year	2nd year	3rd year	4th year
157	161	165	169

3. Ocean-going freezer trawlers fishing for crustaceans except lobster, not landing their catches in Senegal: in EUR per gross registered ton per year.

1st year	2nd year	3rd year	4th year
210	215	220	226

Fees for half-year licences shall be 3 % higher and fees for quarterly licences 5 % higher.

(b) *Fees for tuna vessels and surface longliners*

1. Pole-and-line tuna vessels: EUR 15 per tonne of fish caught in the Senegalese fishing zone.

2. Freezer tuna seiners: EUR 25 per tonne of fish caught in the Senegalese fishing zone.

3. Surface longliners: EUR 48 per tonne of fish caught in the Senegalese fishing zone.

The licences referred to in points 2 and 3 shall be issued following payment to the Receveur des domaines of a flat rate of EUR 3 000 for each tuna seiner and EUR 2 000 for each surface longliner, equivalent to the fees for 120 and 42 tonnes respectively of fish per vessel per year.

Upon receipt of the notification of payment of the European Commission's advance to the Senegalese authorities, the latter shall enter the vessel in question on the list of vessels authorised to fish which shall be sent to the Senegalese control authorities. A copy of the original of the licence may also be kept on board provisionally.

The final statement of the fees due for the fishing year shall be drawn up at the end of each calendar year by the European Commission on the basis of catch statements made by the shipowners for each vessel and confirmed by the Centre de Recherches Océanographiques de Dakar-Thiaroye (CRODT). The statement shall be forwarded simultaneously to the Senegalese authorities and the shipowners. Shipowners must make any additional payment due to the Receveur des domaines within 30 days of notification of the final statement.

However, where the sum due as set out in the final statement is less than the advance, the shipowner shall not be reimbursed the difference.

The Senegalese authorities shall supply details of the bank account to be used for payment or transfer of the fees before the Agreement enters into force. Payments may also be made directly to Receveur des domaines in Dakar.

B. CATCH STATEMENTS

All vessels authorised to fish in Senegalese waters under the Agreement shall be required to forward to the Direction de l'Océanographie et des Pêches Maritimes, with a copy to the Delegation of the European Commission in Dakar, a statement of their catch made out in line with Appendices 2, 3, 4 and 5. These statements must be presented no later than the end of the month following the end of a voyage, and a copy must be kept on board.

Should these provisions not be adhered to, the Government of Senegal reserves the right to suspend the licence of the offending vessel until formalities have been completed and to apply the penalty laid down in current Senegalese legislation. The Delegation of the European Commission in Dakar shall be informed.

C. LANDING OF CATCHES

- (a) Freezer trawlers (inshore demersal fishing) in category 1 shall land (at local market prices) 250 kilograms of fish and shrimp per GRT per half-year.

Wet trawlers (inshore demersal fishing) in category 1 shall land (at local market prices) 150 kilograms of fish and shrimp per GRT per half-year.

These landings may be made individually or collectively.

Any failure to comply with the requirements to land catches may incur the following sanctions from the Senegalese authorities:

- a fine of EUR 900 per tonne not landed;
- withdrawal without renewal of the licence of the vessel concerned or of another vessel belonging to the same shipowner.

In order to ensure payment of the fine, the issuing of a licence shall be subject to the lodging in Senegal of a banker's guarantee of EUR 200 per GRT per half-year.

The Senegalese authorities shall release this security as soon as a vessel has met its landing requirements in full.

- (b) In the case of pole-and-line tuna vessels, the target set shall be to land at least 5 000 tonnes of tuna a year in Senegalese ports at the prevailing international price.

If, during the fishing year, total landings by the fleet concerned fall short of this minimum quantity as a result of an unforeseeable change in the state of fish stocks or the structure of the fleet, the two Parties shall enter into consultations without delay in order to find and put forward appropriate solutions to cover the shortfall.

- (c) Freezer tuna seiners shall land 12 500 tonnes of tuna a year at the prevailing international price and in accordance with a programme to be established by agreement between Community shipowners and Senegalese cannery. In the event of disagreement on the timetable for landings, the Joint Committee referred to in Article 11 of the Agreement shall hold a special meeting at the request of either of the Parties.

D. SIGNING-ON OF SEAMEN

1. Trawlers, bottom longliners and surface longliners authorised to fish in Senegalese waters under the Agreement shall be required to take on enough Senegalese seamen to make up 50 % of their non-officer crew. This percentage shall include the observer referred to in point J.

The taking-on of Senegalese seamen must be confirmed by a certificate of compliance issued by the merchant navy. All individual contracts for the recruitment of Senegalese seamen must comply with current Senegalese rules and regulations.

Seamen's wages shall be determined by mutual agreement between the shipowners or their representatives and the ministry responsible for the merchant navy in accordance with current Senegalese regulations. Wages shall be paid by the shipowners and shall include the social security applicable to the seamen, including life insurance, accident and sickness cover and IPRES (Institut de prévoyance retraite du Sénégal) and Caisse de sécurité sociale contributions.

If the vessel holds a valid fishing licence issued by another country in the subregion (Mauritania, Gambia, Guinea-Bissau or Guinea), it shall be required to take on board a number of Senegalese seamen equivalent to 50 % of the non-officer crew assigned to sail the vessel.

2. In the case of freezer tuna seiners and pole-and-line tuna vessels, the number of seamen to be taken on board shall be established globally on the basis of the scale of activity in Senegal's fishing zone and the employment of crew from other countries whose fisheries are frequented by that fleet.

E. SPECIAL EQUIPMENT AND USE OF SUPPLIES AND SERVICES

Wherever possible, Community vessels shall procure the supplies and services they require, including dry dock facilities and regular maintenance, in Senegal.

F. TECHNICAL INSPECTIONS

1. Once a year, and whenever there is an alteration in tonnage or a change in fishing category involving the use of different fishing gear, Community trawlers must undergo the inspections provided for in current regulations at the port of Dakar. Such inspections must be completed within 48 hours of the vessel's arrival in the port, provided the competent authorities have been notified in advance.
2. Once the inspection has been completed, a certificate shall be issued to the master of the vessel. The certificate must be kept on board at all times.
3. The purpose of the technical inspection is to check that the vessel's technical characteristics and fishing gear are in order and that the conditions governing the recruitment of Senegalese crew are complied with. Safety matters remain the exclusive responsibility of the authority of the flag state.
4. Charges for technical inspections are payable by the shipowner, and shall be determined by the scale set by Senegal's regulations. They must be no higher than those usually paid by other vessels for the same services.
5. Failure to comply with the provisions of points 1 and 2 shall result in the automatic suspension of the fishing licence until the shipowner complies with his obligations.

G. FISHING ZONES

1. The fishing zones shall be measured from a reference line joining the points below:
 1. From point P1 (16°04'00"N-16°31'30"W) to point P2 (15°45'00"N-16°33'00"W);
 2. From point P3 (15°00'00"N-17°04'06"W) to point P4 (14°52'48"N-17°11'12"W);
 3. (a) From point P5 (14°46'30"N-17°25'30"W) to the northern tip of the island of Yoff (14°46'18"N-17°28'42"W);
 - (b) From the northern tip of the island of Yoff (14°46'18"N-17°28'42"W) to the tip of the island of Ngor (14°45'30"N-17°30'56"W);
 - (c) From the northern tip of the island of Ngor (14°45'30"N-17°30'56"W) to the Almadies light (14°44'36"N-17°32'30"W);
 - (d) From the Almadies light (14°44'36"N-17°32'30" W) to Cap Manuel (14°39'00"N-17°26'00"W);
 - (e) From Cap Manuel (14°39'00"N-17°26'00"W) to Pointe Rouge (14°38'12"N-17°10'30"W);
 - (f) From Pointe Rouge (14°38'12"N-17°10'30"W) to Pointe Gombaru (14°29'50"N-17°05'30"W);
 - (g) From Pointe Gombaru (14°29'50"N-17°05'30"W) to Pointe Sarène (14°17'05"N-16°55'50"W);
 - (h) De la Pointe Sarène (14°17'05"N-16°55'50"W) à la Pointe Gaskel (14°11'10"N-16°52'00"W);
 - (i) From Pointe Gaskel (14°11'10"N-16°52'00"W) to Pointe de Sangomar (13°47'54"N-16°45'40" W);
 - (j) From Pointe de Sangomar (13°47'54"N-16°45'40" W) to point P6 (13°35'28"N-16°40'30"W).
 4. (a) From the Senegal-Gambia border (13°03'27"N-16°45'05"W) to point P7 (12°45'10"N-16°47'30"W);
 - (b) From point P7 (12°45'10"N-16°47'30"W) to point P8 (12°36'12"N-16°48'00"W);
 - (c) From point P8 (12°36'12"N-16°48'00"W) to Pointe Djimbéring (12°29'00"N-16°47'30"W);
 5. From Cap-Skirring (12°24'30"N-16°46'30"W) to the border with Guinea-Bissau (12°20'30"N-16°43'10"W).

For the stretches of Senegalese coast situated outside the limits defined by the reference points specified above, the fishing zones shall be measured from the low-water mark, which shall form an integral part of the reference line.

The distances measured from the reference line or low-water mark shall be expressed in relation to the nearest point on the line in whichever zone the vessel is located.

2. Inshore trawlers (demersal fishing for fish and cephalopods), of up to 250 GRT, shall be authorised to fish:
 - (a) from six nautical miles from the reference line, from the Senegal-Mauritania border to the latitude of Cap Manuel (14°39'00"N);
 - (b) from seven nautical miles from the reference line, from the latitude of Cap Manuel to the Senegal-Gambia border;
 - (c) from six nautical miles from the reference line from the south Senegal-Gambia border to the Senegal-Guinea-Bissau border.
3. Inshore trawlers (demersal fishing for fish and cephalopods), between 250 GRT and 300 GRT, shall be authorised to fish:

from twelve nautical miles from the reference line of waters under Senegalese jurisdiction.
4. Inshore trawlers (demersal fishing for fish and cephalopods), between 300 and 500 GRT, shall be authorised to fish:

from 15 nautical miles from the reference line of waters under Senegalese jurisdiction.
5. Inshore trawlers (demersal fishing for fish and cephalopods), over 500 GRT, shall be authorised to fish:
 - (a) from 15 nautical miles from the reference line, from the Senegal-Mauritania border to latitude 14°25'00"N;
 - (b) west of longitude 17°22'00"W, in the zone between latitude 14°25'00"N and the north Senegal-Gambia border;
 - (c) west of longitude 17°22'00"W, in the zone between the south Senegal-Gambia border and the Senegal-Guinea-Bissau border.
6. Ocean-going trawlers (demersal fishing for deep-water shrimp or hakes) shall be entitled to fish:
 - (a) west of longitude 16°53'42"W between the Senegal-Mauritania border and latitude 15°40'00"N;
 - (b) from 15 nautical miles from the reference line between latitude 15°40'00"N and latitude 15°15'00"N;
 - (c) from 12 nautical miles from the reference line from latitude 15°15'00"N to latitude 15°00'00"N;
 - (d) from 8 nautical miles off the baselines from latitude 15°00'00"N to latitude 14°32'30"N;
 - (e) west of longitude 17°30'00"W, in the zone between latitude 14°32'30"N and latitude 14°04'00"N;
 - (f) west of longitude 17°22'00"W, in the zone between latitude 14°04'00"N and the north Senegal-Gambia border;
 - (g) west of longitude 17°35'00"W, in the zone between the south Senegal-Gambia border and latitude 12°33'00"N;
 - (h) south of the azimuth 137° traced from point P9 (12°33'00"N; 17°35'00"W).

7. Pole-and-line tuna vessels, wet tuna seiners and freezer tuna seiners shall be authorised to fish for tuna anywhere in the waters under Senegal's jurisdiction.

Fishing for live bait shall be authorised in all waters under Senegal's jurisdiction.

8. For safety reasons fishing activities and anchoring and casting shall be prohibited in the zone defined by the following coordinates:

A = L 14°40'00"N-G 17°45'00"W

B = L 14°40'00"N-G 17°30'30"W

C = L 14°40'36"N-G 17°28'12"W

D = L 14°39'00"N-G 17°25'54"W

E = L 14°39'54"N-G 17°23'54"W

F = L 14°30'06"N-G 17°23'54"W

G = L 14°30'00"N-G 17°44'54"W

H. BIOLOGICAL REST-PERIOD

Where required by the need to manage resources in a sustainable manner, every year the Senegalese authorities may institute a ban on fishing applicable to all demersal trawlers of the same category, without discrimination.

The annual closure period shall be as follows:

- Trawlers (inshore demersal fishing for fish and cephalopods): 1 October to 30 November;
- ocean-going fish trawlers (deep-water demersal species) and bottom longliners: 1 March to 30 June;
- ocean-going freezer trawlers (deep-water demersal fishing for crustaceans, except lobster): 1 September to 31 October.

When the Senegalese authorities adopt emergency measures, to regulate fishing for a given species, applicable to all, and in particular Senegalese, vessels, a meeting of the Joint Committee shall be convened to evaluate the impact of such measures on European Community vessels and, where appropriate, adjust the level of the financial contribution.

I. RADIO COMMUNICATIONS

The master of the vessel must notify the Direction de la Protection et Surveillance des Pêches (Directorate for Fisheries Protection and Monitoring) in Senegal by radio (frequency 5283 VHF and/or 7349.5 HF), telephone (221) 864 05 89 or (221) 864 05 88, fax (221) 860 31 19 or email (psps@sentoo.sn) when the vessel enters or leaves waters under Senegalese jurisdiction, specifying the following: position, course, speed, and tonnage of catches on board.

The master shall authorise the observer to contact the Direction de la Protection et Surveillance des Pêches by radio whenever necessary.

J. OBSERVERS

1. (a) Community trawlers and bottom longliners of 150 GRT or more in the case of wet fishing and 100 GRT or more in the case of other vessels fishing in Senegalese waters shall take on board an observer designated by Senegal. The master shall facilitate the work of the observer, who shall enjoy all the respect owed to the officers of the vessel concerned.
- (b) In the case of surface longliners, at the request of the competent Senegalese authorities, an observer shall be taken on board for the duration of the voyage where the vessel is fishing in Senegalese waters.
- (c) The Senegalese authorities shall communicate the names of the designated observers to the European Commission.

(d) Observers shall be provided with board and accommodation at the shipowner's expense. Their meals shall be served in the officers' messroom and they shall be accommodated in the areas provided for the officers or, if this is impossible, in a living area distinct from that provided for the crew if possible.

(e) In the case of freezer tuna seiners and tuna pole-and-line vessels fishing for bait, one of the Senegalese seamen on board shall be designated seaman/observer.

The master shall facilitate the work of the seaman/observer that is additional to actual fishing operations so that he can compile his report. Seamen/observers shall receive the normal seaman's rate of pay from the shipowner. Seamen/observers shall be required to submit a report to the Direction de la Protection et Surveillance des Pêches at the end of each voyage.

2. In principle the observer shall be taken on board for a maximum period of 60 days. This period may be extended where the duration of a voyage by the vessel on which the observer is taken on board exceeds that period.

In such cases, the observer shall leave the vessel on its return. A deposit equivalent to 60 days' activity at sea shall be lodged before the observer boards. Settlement shall be made after each voyage.

3. The taking on board and disembarkation of observers shall not interrupt or hinder fishing operations. Observers may therefore be taken on board and/or leave the vessel in a port elsewhere than in Senegal provided that their travel and subsistence expenses are reimbursed by the shipowner.

4. The deposit equivalent to 60 days' activity at sea shall be considered an advance on the payment of the observer's allowance. The allowance shall be paid after the observer has left the vessel. A final statement of advances made shall be drawn up when the licence expires. However, where the sum due as set out in the final statement is less than the advance, the shipowner shall not be reimbursed the difference.

K. BY-CATCHES

1. Trawlers (inshore demersal fishing for fish and cephalopods):

— crustaceans: 7,5 %

2. Ocean-going fish trawlers (deep-water demersal species):

— crustaceans: 7 %

— cephalopods: 7 %

3. Ocean-going freezer trawlers (deep-water demersal fishing for crustaceans, except lobster):

— fish: 10 %

— cephalopods: 10 %

— lobster: 2 %

4. The percentages of by-catches fixed above shall be calculated at the end of each voyage by reference to the total catch weight, in accordance with Senegalese law.

Should these percentages exceed the authorised by-catches, penalties shall be imposed in accordance with Senegalese law and may result in the permanent banning of the offending masters and vessels from all fishing activities in Senegal.

In accordance with the relevant ICCAT and FAO recommendations, fishing for basking shark (*Cetorhinus maximus*), white shark (*Carcharodon carcharias*), sand tiger shark (*Carcharias taurus*) and tope shark (*Galeorhinus galeus*) shall be prohibited.

L. MINIMUM AUTHORISED MESH

The minimum mesh sizes for authorised industrial fishing gear shall be as follows (mesh opening):

- purse seines with live bait: 16 mm;
- standard otter trawls (inshore demersal fishing for fish or cephalopods): 70 mm;
- standard otter trawls (deep-sea demersal species): 70 mm;
- deep-sea demersal trawls for crustaceans, except lobster: 40 mm.

In the case of all fishing gear, no methods or devices may be used to seek to obstruct the mesh of the nets or reduce their selective effect. However, in the interests of reducing wear or damage, protective aprons of netting or other material may be attached, but only to the underside of the codend of a bottom trawl. Such aprons must be attached only to the forward and lateral edges of the codend of the trawl. Protective devices may be used for the top of the trawl, but these must consist of a single section of net of the same material as the codend, with the mesh measuring at least 300 millimetres when stretched out.

Doubling of the codend's netting yarn, whether single or multiple, shall be prohibited.

In the case of tuna, the international standards recommended by the International Commission for the Conservation of Atlantic Tunas (ICCAT) shall apply.

M. TRANSHIPMENT

Any Community vessel wishing to tranship catches in Senegalese waters shall be subject to the procedure laid down below.

The catches of Community vessels shall be transhipped within Senegalese ports.

Owners of the vessels concerned must report the following information to the Direction de la Protection et Surveillance des Pêches at least 24 hours in advance:

- the names of the transshipping fishing vessels,
- the names of the cargo vessels,
- the tonnage by species to be transhipped,
- the day of transhipment.

Transhipment shall be considered as an exit from the Senegalese fishing zone. Vessels must therefore provide the Directorate for the Protection and Monitoring of Fisheries with the catch statements and state whether they intend to continue fishing or leave Senegal's fishing zone.

Any transhipment of catches not covered above shall be prohibited in Senegal's fishing zone. Any person infringing this provision shall be liable to the penalties provided for by Senegalese law.

N. BOARDING AND APPLICATION OF PENALTIES

1. The European Commission Delegation in Senegal shall be informed as far as possible within 48 hours of any boarding of a fishing vessel flying the flag of a Community Member State fishing under the Fisheries Agreement between the European Economic Community and Senegal. Such information shall include:

- the vessel's name and flag;
- the date of boarding;
- the position of boarding;
- the reasons for boarding;
- the penalties incurred;
- the security for provisional release of the vessel.

Such security must be at least equal to the maximum fine and the value of the catches to be confiscated.

The vessel may resume its activities if the owner lodges the security defined above. Otherwise the vessel shall be detained at the quayside until the administrative procedure has been completed.

A statement shall be drawn up concerning fishing infringements, containing all relevant information and evidence. The statement shall be signed by the officials compiling it, any witnesses and the offender, who shall have the opportunity to make comments.

On receipt of the statement of boarding, the case shall be dealt with by the Direction de la Protection et de la Surveillance des Pêches (DPSP). The national boarding committee shall be convened to consider the case and make proposals to the Minister for Fisheries and Shipping.

This second phase of processing the boarding case may not exceed 20 days from the date of notification of the boarding to the European Union representation in Dakar.

The owner shall be notified of the amount of the fine imposed under the administrative procedure by letter from the DPSP. If the owner pays the fine, the security shall be released immediately.

If the owner does not agree with the conclusions of the administrative procedure, he shall be free to refer the case to the competent court provided that the above-mentioned security has been lodged with the Senegalese authorities.

If the judicial decision finds against the vessel, the security shall be used to pay the fine.

If the vessel is acquitted, the bank guarantee shall be returned to the owner.

2. The European Commission Delegation in Dakar shall be informed of any penalties imposed on a vessel flying the flag of a Community Member State fishing under the Fisheries Agreement between the European Economic Community and Senegal and shall receive a brief report of the circumstances and reasons leading to the penalty.
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Appendix 1

REPUBLIC OF SENEGAL
—MINISTRY FOR SEA FISHERIES
—DIRECTORATE OF OCEANOGRAPHY AND SEA FISHERIES
—FISHING
LICENCE APPLICATION
FORM

For official use only	Remarks
Nationality:
Licence No:
Date of signature:
Date of issue:

APPLICANT

Company name:

Number and date of authorisation of the company:

Trade register No (*):

First name and surname of applicant:

Date and place of birth:

Occupation:

Account No (*):

Address:

.....

Number of employees (*): Permanent staff (*): Temporary staff (*):

Name and address of agent:

.....

Annual turnover (*):

VESSEL

Type of vessel: Registration No:

New name: Former name:

Date and place of construction:

Original nationality:

Date of taking the Senegalese flag:

Provisionally: Period granted: Permanently:

Length: Width: Depth:

Gross tonnage (GRT): Net tonnage:

Type of building material: Draught:

Make of main engine: Type: HP:

Propeller: Fixed Variable Ducted

Transit speed:

Call sign: Call frequency:

 (*) Optional for foreign vessels.

List of navigation, sounding and transmission instruments:

- Radar: Sonar: VHF radio:
- Satellite navigation: Net sounder: HF, BLU radio:
- Automatic pilot: Scanmar: Telex:
- Route plotter:

Other:
.....

CONSERVATION

- Ice: Ice and refrigeration:
- Freezing in brine: Dry: In refrigerated sea water:

Total refrigerating power (fg):

Freezing capacity in tonnes/24 hours:

Hold capacity:

TYPE OF FISHING

A. Inshore demersal

- Shrimp: Fish:
- Type of gear: Shrimp trawl Fish trawl Bottom longline

1. trawl length: length of headline:

 mesh opening in codend: in the wings:

2. length of line: number of hooks:

 number of lines: size of hooks:

B. Deep-sea demersal

- Shrimp: Fish and cephalopods:
- Type of gear: Fish trawl Shrimp trawl bottom longline

1. trawl length: length of headline:

 mesh opening in codend: in the wings:

2. length of line: number of hooks:

 number of lines: size of hooks:

C. Inshore pelagic:

- Mid-water trawl: Seine:
1. trawl length: length of headline:
 mesh opening in codend:
2. length of seine: depth of seine:
 size of mesh (stretched out)

D. Deep-sea pelagic (tuna)

- Type of gear: seine: pole and line: longline:
1. length of seine: depth of seine:
 size of mesh (stretched out)
2. number of poles and lines:
3. longline:
 length of line: number of hooks:
 number of lines: size of hooks:
 number of tanks: capacity in tonnes:

E. Longlines and pots:

- number of pots: material:
- length (diameter of base): width (diameter of top):
- diameter of openings: cover system:
- mesh (cover):

SHORE INSTALLATIONS (*)

Address and permit No:

.....

Company name:

Activities:

Domestic wholesale fish trade: export:

Type and No of wholesale trader's card:

(*) Optional for foreign vessels.

Description of processing and conservation plant:

.....

.....

.....

.....

Number of employees: Senegalese: Foreigners:

Permanent staff: Temporary staff:

Appendix 2

STATEMENT OF CATCH MADE BY VESSELS USING LONG LINES AND POTS

VESSEL NAME:

TYPE OF FISHING (longlines or pots)

SPACING OF CATCH EQUIPMENT (hooks or pots)

.....

Date of drops	Number of hooks or pots	Time of drop		Time of raising		Average position		Depth		Species (please ring discards)											
		Start	End	Start	End	Latitude	Longitude	Start	End	No	kg	No	kg	No	kg	No	kg	No	kg	No	
1.																					
2.																					
3.																					
4.																					
5.																					
6.																					
7.																					
8.																					
9.																					
10.																					

Appendix 3

STATEMENT OF CATCH BY BOTTOM TRAWLERS

Voyage from: to:

VESSEL NAME:

Type: wet or freezer:

NATIONALITY:

Species	Dates						
Fishing zone ⁽¹⁾							
Sounder							
Time of fishing							
Total weight of catch							
Total weight of discards							

⁽¹⁾ Dakar North, Petite-Côte or Casamance.

Appendix 4

STATEMENT OF CATCH BY TUNA VESSELS

Voyage from: to:

VESSEL NAME:

Type: pole and line or seine:

NATIONALITY:

Catches from Senegal's economic zone

Species	Tonnage landed	Tonnage not landed	Discards	Total
Yellowfin				
Skipjack				
Bigeye				
Thunnidae + Bonito				
Other species				
Total				

