



EUROPEAN COMMISSION

Brussels, 30.11.2011
COM(2011) 801 final

2011/0378 (NLE)

Proposal for a

COUNCIL DECISION

on the conclusion of a new Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Union and the Republic of Mozambique

EXPLANATORY MEMORANDUM

On the basis of relevant Council mandate¹, the Commission on behalf of the European Union negotiated with the Republic of Mozambique in view of renewing the Protocol to the Fisheries Partnership Agreement between the European Community and the Republic of Mozambique. Following these negotiations, a new Protocol was initialled on the 2nd of June 2010, which covers a period of three years starting from the adoption of the Council decision on the Protocol's signing and provisional application and after expiry of the current Protocol, on 31 December 2011.

This procedure concerning the Council decision on the conclusion of the new Protocol to the Fisheries Partnership Agreement is started in parallel with the procedures regarding the Council decision on the Protocol's signing on behalf of the Union and provisional application of the new Protocol, and the Council Regulation concerning the allocation among the Member States of the fishing opportunities under this Protocol.

The Commission's negotiating position was based substantially on the results of an ex-post evaluation of the current Protocol that was carried out by external experts in April 2011.

The new Protocol is in line with the objectives of the Fisheries Partnership Agreement aiming at strengthening the cooperation between the Union and Mozambique and promoting a partnership framework in which to develop a sustainable fisheries policy and responsible exploitation of fishery resources in the Mozambique fishing zone in the interests of both Parties.

The two Parties agreed to cooperate with a view to implementing Mozambique sectoral fisheries policy and to that end shall continue the policy dialogue on the relevant programming.

The new Protocol provides for a total financial contribution of EUR 2 940 000 for the whole period. This amount corresponds to: a) EUR 520 000 per year equivalent to an annual reference tonnage of 8 000 tonnes, and b) EUR 460 000 per year, corresponding to the additional envelop paid by the Union to support Mozambique fisheries and maritime policy. The annual financial contribution to be paid by the budget of the Union is therefore 980 000 EUR. Fishing opportunities for the European tuna fleet will be available to 43 purse seiners and 32 long liners, i.e. a total of 75 vessels.

The Commission is asked to adopt this proposal and transmit it to the Council and to the Parliament.

¹ Council Decision n° xxx/2011 of xx xxx 2011 – Ref SEC(2010) n° 1593 final

Proposal for a

COUNCIL DECISION

on the conclusion of a new Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Union and the Republic of Mozambique

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43, paragraph 2, in conjunction with Article 218, paragraph 6 a) thereof,

Having regard to the proposal from the Commission²,

Having regard to the consent of the European Parliament³,

Whereas:

- (1) On 22 November 2007 the Council adopted Council Regulation (EC) No 1446/2007 on the conclusion of the Fisheries Partnership Agreement between the European Community and the Republic of Mozambique⁴,
- (2) The Union negotiated with Mozambique a new Protocol to that Fisheries Partnership Agreement, providing Union vessels with fishing opportunities in the waters over which Mozambique have sovereignty or jurisdiction in respect of fisheries,
- (3) As a result of these negotiations, a Protocol was initialled on 2 June 2011,
- (4) On the basis of Council Decision 2011/XXX of [...] ⁵, this new Protocol has been signed and provisionally applied since [...],
- (5) The Protocol should be concluded,

HAS ADOPTED THIS DECISION:

Article 1

The Protocol to the Fisheries Partnership Agreement between the European Union and the Republic of Mozambique is hereby approved⁶ on behalf of the Union.

² OJ C , , p. .

³ OJ C

⁴ OJ L 331 of 17/12/2007, p. 1

⁵ OJ C ..., ..., p.

Article 2

The President of the Council shall designate the person(s) empowered to proceed, on behalf of the Union, to the notification provided for in Article 16 of the Protocol, in order to express the consent of the Union to be bound by the Protocol⁷.

Article 3

This Decision enter into force on the day following that of its publication on the *Official Journal of the European Union*.

Done at Brussels,

For the Council
The President

⁶ The text of the Protocol has been published in OJ ...** together with the decision on signature.

** OJ: Please insert the reference to OJ for doc st/10.

⁷ The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

PROTOCOL

Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Union and the Republic of Mozambique

Article 1

Period of application and fishing opportunities

1. For a period of three (3) years, the fishing opportunities granted under Article 5 of the Fisheries Partnership Agreement shall be as follows:

Highly migratory species (species listed in Annexe 1 to the 1982 United Nations Convention on the Law of the Sea)

(a) 43 ocean-going tuna seiners, and

(b) 32 surface longliners.

2. Paragraph 1 shall apply subject to Articles 5 and 6 of this Protocol.
3. Under Article 6 of the Fisheries Partnership Agreement, and Article 7 of this Protocol, vessels flying the flag of a Member State of the European Union may engage in fishing activities in Mozambique waters only if they are on the list of authorized fishing vessels of IOTC and in possession of a fishing authorisation issued under the conditions established in this Protocol in accordance with the Annex hereto.

Article 2

Financial contribution - Methods of payment

1. For the period referred to in Article 1, the total financial contribution referred to in Article 7 of the Fisheries Partnership Agreement shall be EUR 2 940 000 for the whole duration of this Protocol.
2. This total financial contribution shall comprise:
 - (a) an annual amount for access to Mozambique fishing zone of EUR 520 000 equivalent to a reference tonnage of 8 000 tonnes per year, and
 - (b) a specific amount of EUR 460 000 per year for the support and implementation of Mozambique' sectoral fisheries policy and maritime policy.
3. Paragraph 1 shall apply subject to Articles 3, 5, 6, 8 and 9 of this Protocol.
4. The European Union shall pay the financial contribution referred to in paragraph 1 at the rate of EUR 980 000 per year during the period of application of this Protocol, corresponding to the total amount fixed in paragraph 2 (a) and 2 (b) of this Article (i.e. respectively EUR 520 000 and EUR 460 000)

5. If the overall quantity of catches of tuna by European Union vessels in Mozambique fishing zone exceeds 8 000 tonnes per year, the amount of the annual financial contribution for access rights shall be EUR 65 for each additional tonne caught. However, the total annual amount paid by the European Union shall not be more than twice the amount indicated in paragraph 2 a. (i.e. EUR 1 040 000). Where the quantities caught by European Union vessels in the Mozambique fishing zone exceed the quantities corresponding to twice the total annual amount, the amount due for the quantity exceeding that limit shall be paid the following year in line with the provisions of the Annex.
6. Payment shall be made no later than 60 days after this Protocol's provisional application as referred in article 15 for the first year, and no later than the anniversary date of this Protocol for the following years.
7. Mozambique shall have full discretion regarding the use to which the financial contribution specified in Article 2 paragraph 2 (a) is put.
8. The financial contribution shall be paid or transferred into the single central Treasury account. The account number shall be provided by the Mozambique authorities.

Article 3

Promoting responsible fishing and sustainable fisheries in Mozambique' waters

1. As soon as this Protocol enters into force and no later than three months after that date, the European Union and Mozambique shall agree, within the Joint Committee provided for in Article 9 of the Fisheries Partnership Agreement, on a multiannual sectoral program, according with the Mozambique Fisheries Masterplan and European Commission policy framework, and detailed implementing rules covering, in particular:
 - (a) annual and multiannual guidelines for using the specific amount of the financial contribution referred to in Article 2 paragraph 2 (b);
 - (b) the objectives, both annual and multiannual, to be achieved with a view to introduce responsible fishing and sustainable fisheries, taking account of the priorities expressed by Mozambique in its national fisheries policy, and other policies relating to or having an impact on the promotion of responsible fishing and sustainable fisheries, including marine protected areas;
 - (c) criteria and procedures including where appropriate budgetary and financial indicators, for evaluating the results obtained each year.
2. Any proposed amendments to the multiannual sectoral program must be approved by both Parties within the Joint Committee.
3. Each year, Mozambique may allocate, if necessary, an additional amount to the financial contribution referred to in Article 2 paragraph 2 (b) with a view to implementing the multiannual programme. This allocation shall be notified to the European Union.

Article 4
Scientific cooperation on responsible fishing

1. The two Parties hereby undertake to promote responsible fishing in Mozambique waters based on the principle of non-discrimination between the different fleets fishing in those waters.
2. During the period covered by this Protocol, the European Union and Mozambique shall endeavour to monitor the state of fishery resources in the Mozambique's fishing zone.
3. Both Parties shall endeavour to respect the resolutions and recommendations of the Indian Ocean Tuna Commission (IOTC) and, the advice of the joint scientific working group provided for by Article 4, paragraph 2 of the Agreement, regarding conservation and responsible management of fisheries.
4. In accordance with article 4 of the Agreement, based on the recommendations and resolutions taken within the IOTC, and the best available scientific advice and, where appropriate, the results of the joint scientific meeting provided for by Article 4 of the Fisheries Partnership Agreement, the two Parties may consult each other within the Joint Committee provided for in Article 9 of the Fisheries Partnership Agreement and, where necessary, agree on the measures to ensure sustainable management of Mozambique' fisheries resources.
5. In case EU vessels land their catch in third countries, Mozambique authorities will have the possibilities of observing these landings.

Article 5
Adjustment of fishing opportunities by mutual agreement

1. The fishing opportunities referred to in Article 1 may be adjusted by mutual agreement insofar as the recommendations and resolutions of IOTC and the joint scientific working group support that such an adjustment will secure the sustainable management of tuna and tuna-like species in the Indian Ocean.
2. In this case the financial contribution referred to in Article 2 paragraph 2 (a) shall be adjusted proportionately and *pro rata temporis*. However, the total annual amount paid by the European Union shall not be more than twice the figure indicated in Article 2, paragraph 2 (a).
3. Both Parties shall notify each other of any changes in their respective fisheries policy and legislation.

Article 6
New fishing opportunities

1. In the event that European Union fishing vessels become interested in engaging in fisheries not provided for in Article 1 of the Fisheries Partnership Agreement, the Parties shall consult each other before any possible authorisation is granted for any such activities and, where appropriate, agree on the conditions for such fishing including effecting corresponding amendments to this Protocol and the Annex thereto.

2. The Parties should encourage experimental fishing, especially relating to under exploited deep water species, present in Mozambique waters. To this end, and at the request of one Party, the Parties shall consult each other with a view to determining on a case by case basis, the species, conditions and other parameters that are relevant.
3. The Parties shall carry out experimental fishing in accordance with parameters that will be agreed by both Parties in an administrative arrangement where appropriate. The authorisations for experimental fishing should be agreed for a maximum period of 6 months.
4. In the event that the Parties consider that experimental campaigns have given positive results, the Government of Mozambique may allocate fishing possibilities of the new species to the European Union fleet until the expiration of this Protocol. The financial compensation mentioned in Article 2 paragraph 2 (a) of this Protocol shall consequently be increased. Ship-owners' fees and conditions as provided for in the Annex shall be amended accordingly.

Article 7

Conditions governing fishing activities — Exclusivity clause

Without prejudice to Article 6 of the Fisheries Partnership agreement, European Union's vessels may fish in Mozambique waters only if they are in possession of a valid fishing authorisation issued by Mozambique under this Protocol and the Annex hereto.

Article 8

Suspension and review of the payment of the financial contribution

1. Notwithstanding the provisions laid out in Article 9 of this Protocol, the financial contribution referred to in Article 2 paragraph 2 (a) and (b) shall be reviewed or suspended after consultation between the two Parties:
 - a) if fishing activities in Mozambique fishing zone are prevented for reasons other than natural phenomena;
 - b) following significant changes in the policy guidelines of either one of the Parties affecting the relevant provisions of this Protocol.
2. Sectoral policy support results and value for money performances will be assessed by the Government of Mozambique or by an external evaluator to be procured by the government of the Mozambique. The results of this annual evaluation will be analysed in the framework of the Joint Committee as provided for in article 3 of this Protocol. Consequently if the performances of the sectoral policy support are found to be materially inconsistent with the budgeted program, the European Commission may suspend, totally or partially, the payment of the specific contribution provided for in article 2, paragraph 2, b).
3. Payment of the financial contribution and/or fishing activities may recommence once the situation has returned to the status prior to the occurrence of the above mentioned circumstances and if the two Parties agree to do so following consultation.

Article 9
Suspension of the implementation of the Protocol

1. Implementation of this Protocol shall be suspended at the initiative of either one of the Parties subject to consultations between and agreement of the Parties within the Joint Committee provided for in Article 9 of the Agreement:
 - a) if exceptional circumstances, other than natural phenomena, prevent fishing activities in Mozambique fishing zone;
 - b) in case the European Union fails to make the payments provided for in Article 2, paragraph 2 (a) for reasons not covered by Article 8 of this Protocol;
 - c) where a dispute arises between the Parties over the interpretation and implementation of this Protocol and its Annex which cannot be settled;
 - d) if either one of the Parties does not respect the provisions laid out by this Protocol and its Annex;
 - e) following significant changes in the policy guidelines of either one of the Parties affecting the relevant provisions of this Protocol;
 - f) if either one of the Parties ascertains a breach of essential and fundamental elements on human rights as laid out by Article 9 of the Cotonou Agreement, and following the procedure set out in Articles 8 and 96 thereof;
 - g) in case of non compliance with the International Labour Organisation Declaration on Fundamental Principles and Rights at Work as provided in Article 3, paragraph 5 of the Fisheries Partnership Agreement.
2. Suspension of implementation of this Protocol shall require the Party concerned to notify its intention in writing at least three months before the date on which the suspension is due to take effect.
3. In the event of suspension of implementation, the Parties shall continue to consult with a view to finding an amicable settlement to their dispute. Where such settlement is reached, implementation of this Protocol shall resume and the amount of the financial contribution shall be reduced proportionately and *pro rata temporis* according to the period during which implementation of this Protocol was suspended.

Article 10
National law

1. The activities of European Union fishing vessels in Mozambique's waters are subject to the laws and regulations of Mozambique unless otherwise provided under this Protocol and the Annex thereof.
2. The authorities of Mozambique shall inform the European Commission of any changes or new legislation regarding the fishery policy.

Article 11
Confidentiality

The Parties shall ensure that, at any time, all data relating to EU vessels and their fishing activities in the Mozambican waters will be treated as confidential. These data are used exclusively for the implementation of the Agreement and for the purposes of fisheries management, monitoring, control and surveillance with the relevant competent authorities.

Article 12
Electronic exchanges of data

Mozambique and the European Union will undertake to implement without delay the necessary systems for the electronic exchange of all information and documents related to the implementation of the Agreement. The electronic form of a document at any point will be considered equivalent to the paper version.

Both Parties will immediately notify any disruption of a computer system impeding such exchanges. In those circumstances, the information and documents related to the implementation of the Agreement shall be automatically replaced by their paper version in the manner defined in the Annex.

Article 13
Duration

This Protocol and the Annex thereto shall apply for a period of three (3) years from its provisional application as determined in Article 15, unless notice of termination is given in accordance with Article 14.

Article 14
Termination

1. In the event of termination of this Protocol, the Party concerned shall notify the other Party in writing of its intention to terminate it at least six months before the date on which such termination should take effect.

2. Dispatch of the notification referred to in the previous paragraph shall open consultations by the Parties.

Article 15
Provisional Application

This Protocol shall be applied provisionally from the date of its signature but not earlier than 1st January 2012.

Article 16
Entry into force

This Protocol with its Annex shall enter into force on the date on which the Parties notify each other of the completion of the procedures necessary for that purpose.

ANNEX

CONDITIONS FOR THE EXERCISE OF FISHING ACTIVITIES BY EUROPEAN UNION VESSELS IN THE FISHING ZONE OF MOZAMBIQUE

CHAPTER I

General provisions

1. Designation of competent authority

For the purposes of this Annex and notwithstanding any indication to the contrary, any reference to the European Union (EU) or to Mozambique as a competent authority shall mean:

- For the EU: the European Commission, where applicable via the EU delegation in Mozambique;
- For Mozambique: the Ministry of Fisheries.

2. Mozambique's Fishing zone

All the provisions of the Protocol and its annexe apply exclusively in the fishing zone of Mozambique as indicated in Appendix 2.

3. Appointment of a local agent

Any EU vessel which plans to obtain a fishing authorisation under the present Protocol should be represented by a consignee resident in Mozambique.

4. Bank account

Mozambique shall notify the EU before the entry into force of the Protocol of the details of the bank account(s) into which the financial sums payable by EU vessels under the Agreement should be paid. The inherent costs linked to bank transfers shall be borne by ship-owners.

CHAPTER II

Tuna fishing authorisations

1. Condition for obtaining a tuna fishing authorisation – eligible vessels

The tuna fishing authorisations referred to in Article 6 of the Agreement shall be issued on the condition that the vessel is included in the EU register of fishing vessels in the list of authorized fishing vessels of the IOTC and that all previous obligations of the ship-owner, the master, or the vessel itself arising out of fishing activities in Mozambique under the Agreement and the Mozambican fisheries legislation have been met.

2. Application for a fishing authorisation

The EU shall submit to Mozambique an application for a fishing authorisation in respect of any vessel wishing to fish under the Agreement at least 20 working days before the start of the period of validity requested using the form attached to this Annex as Appendix 1. The application must be typed or legibly written in block capitals.

For each initial application for a fishing authorisation on the basis of the Protocol in force, or following a technical change to the vessel concerned, the application shall be accompanied by:

- i. the proof of payment of the advance payment fee for the period of validity of the fishing authorisation requested;
- ii. the name, address and contact of:
 - The owner of the fishing vessel;
 - The operator of the fishing vessel;
 - The local consignee for the vessel, where there is one;
- iii. a recent colour photograph of the vessel, showing a lateral view, and at least 15 cm x 10 cm in size;
- iv. the seaworthiness certificate of the vessel;
- v. the registration certificate of the vessel;
- vi. the health certificate of the vessel, delivered by the EU competent authority;
- vii. the contact details of the fishing vessel (fax, e-mail, etc.).

For renewal of a fishing authorisation under the Protocol in force for a vessel whose technical specifications have not been modified, the renewal application shall only be accompanied by proof of payment of the fee.

3. Advance payment fee

The amount of the advance payment fee is set on the basis of the annual rate specified in the technical sheets included in Appendix 2 to this Annex. It shall include all local and national taxes with the exception of port taxes, landing taxes, transshipment taxes and charges for the provision of services.

4. Provisional list of vessels authorised to fish

Once it has received the fishing authorisation applications, the national body responsible for supervising fishing activities shall immediately draw up, for each category of vessel, the provisional list of applicant vessels. This list shall be sent without delay to the EU by the Mozambique competent authority.

The EU shall forward the provisional list to the ship-owner or to the consignee. If the EU offices are closed, Mozambique may send the provisional list directly to the ship-owner or their consignee with a copy to the EU.

5. Issue of fishing authorisation

Fishing authorisations for all vessels shall be issued to ship-owners or their consignee within 15 working days of receiving the full application by the competent authority. A copy of this fishing authorisation shall be sent immediately to the EU Delegation.

6. List of vessels authorised to fish

Once the fishing authorisation is issued, the national body responsible for supervising fishing activities shall draw up immediately for each category of vessel the final list of vessels which are authorised to fish in the Mozambique fishing zone. This list shall be sent immediately to the EU and shall replace the provisional list mentioned above.

7. Period of validity of the fishing authorisation

Fishing authorisations shall be valid for one year and be renewable.

In order to establish the start of the period of validity, annual period shall mean:

- i. for the first year of application of the Protocol, the period between the date of its entry into force and 31 December of the same year;
- ii. then, each complete calendar year;
- ii. for the last year of application of the Protocol, the period between 1 January and the date of expiry of the Protocol.

For the first and for the last year of the Protocol the advance payment fee should be calculated on the *prorata temporis* basis.

8. Documents to be carried onboard

While in Mozambique waters or in Mozambique port, the following documents must be carried on board fishing vessel at all times:

- (a) the fishing authorization;
- (b) documents issued by a competent authority of the flag state of such fishing vessel, showing:
 - the number under which the fishing vessel is registered, the vessel certificate of registry;
 - Conformity certificate provided for by the International Maritime Organisation (IMO) Torremolinos Convention;

- (c) up-to-date certified drawings or descriptions of the layout of the fishing vessel and in particular, the number of fish holds of the fishing vessels, with the storage capacity expressed in cubic metres;
- (d) if any modification was made to the characteristics of the fishing vessel with respect to its length overall, its gross registered tonnage, the horsepower of its main engine or engines or its hold capacity, a certificate, certified by a competent authority of the flag state of the fishing vessel, describing the nature of such modification;
- (e) if the fishing vessel is equipped with chilled or refrigerated sea-water tanks, a document certified by a competent authority of the flag state of the vessel indicating the calibration of the tanks in cubic metres;
- (f) authorization to fish outside the waters under the jurisdiction of the flag state issued in respect of the fishing vessel;
- (g) a copy of Mozambique Fisheries Law (Law nr. 3/90) and Marine Fisheries Regulations (REPMAR Decree nr 43/2003).

9. Transfer of fishing authorisation

The fishing authorisation shall be issued for a given vessel and shall not be transferable.

However, where force majeure is proven, at the request of the EU, a vessel fishing authorisation may be replaced by a new authorisation, issued for another similar vessel or a substitute vessel, without payment of a new advance payment. In such case, the statement of fees for freezer tuna seiners and surface long liners in Chapter IV shall take into account the total catch of the two vessels in the zone of Mozambique.

The transfer shall involve the fishing authorisation to be replaced being returned by the ship-owner or its consignee in Mozambique and the immediate drawing up by Mozambique of the replacement authorisation as soon as possible. The replacement authorisation shall be issued without further delay to the ship-owner or its consignee when the authorisation to be replaced is returned. The replacement authorisation shall take effect on the day on which the authorisation to be replaced is returned.

Mozambique shall update the list of vessels authorised to fish as soon as possible. The new list shall be sent without delay to the national body responsible for supervising fishing, and to the EU.

10. Support vessels

- (1) Support vessels must be authorised in compliance with the provisions and conditions provided for in Mozambican legislation.

The annual license fee applicable for the support vessel is 3 580 EUR/year.

- (2) The competent Mozambican authorities shall send the list of these authorisations to the Commission on a regular basis, via the Delegation of the EU in Mozambique.

CHAPTER III

Technical measures

Technical measures applicable to the vessels holding a fishing authorisation, relating to the zone, fishing gear and additional catch, shall be defined for each fishing category in the technical sheets contained in Appendix 2 to this Annex.

The vessels shall respect the fisheries legislation of Mozambique and all the resolutions adopted by the IOTC (Indian Ocean Tuna Commission).

CHAPTER IV

Catch reporting

1. Definition of the fishing trip

For the purposes of this Annex, the duration of a fishing trip by a EU vessel shall be defined as follows:

- the period elapsing between entering and leaving Mozambique's fishing zone, or
- the period elapsing between entering Mozambique's fishing zone and a transshipment in port and/or a landing in Mozambique.

2. Fishing logbook

The master of an EU vessel fishing under the Agreement shall keep an IOTC fishing logbook, for which the model for each category of fishing is included in Appendix 3 of this Annex.

The fishing logbook must comply with IOTC resolution 08/04 for longliners and resolution 10/03 for purse seiners.

The fishing logbook shall be completed by the master for each day the vessel is present in the fishing zone of Mozambique.

Each day the master shall record in the fishing logbook the quantity of each species, identified by its code alpha 3 of the FAO, caught and kept on board, expressed in kilograms of live weight or, where necessary, the number of individual fish. For each main species, the master shall also mention the by- catch.

The fishing logbook shall be filled in legibly, in block capitals, and shall be signed by the master.

The master shall be responsible for the accuracy of the data recorded in the fishing logbook.

3. Catch reporting

The master shall notify the vessel's catch by submitting to Mozambique its fishing logbooks for the period of its presence in the fishing zone of Mozambique.

The fishing logbooks shall be transmitted in one of the following ways:

- i. when passing through a port of Mozambique, the original of each fishing logbook shall be submitted to the local representative of Mozambique, who shall confirm receipt thereof in writing; copy of the logbook shall be handed over to the Mozambique inspection team;
- ii. when leaving the fishing zone of Mozambique without first passing through a Mozambican port, the original of each fishing logbook shall be sent within a period of 7 working days after arrival in any other port, and in any case within a period of 15 working days after leaving the Mozambican zone;
 - a. by e-mail, to the e-mail address given by the national body supervising fishing activities;
 - b. or by fax, to the number given by the national body supervising fishing activities;
 - c. or by the letter sent to the national body supervising fishing activities;

The two Parties shall establish from the 1st January 2012 a protocol for the electronic exchange of all catch and reporting data based on an electronic logbook: the two Parties shall then plan the implementation of the protocol and the replacement of the paper version of the catch reporting with an electronic version by the 1st July 2012.

The master shall send a copy of all the fishing logbooks to the EU and its flag State competent authority. For tuna-fishing vessels and surface longliners, the master shall also send a copy of all the fishing logbooks to the Instituto Nacional de Investigação Pesqueira (IIP) and to one of the following scientific institutes:

- i. Institut de recherche pour le développement (IRD);
- ii. Instituto Español de Oceanografía (IEO);
- iii. IPIMAR (Instituto Português de Investigação Marítima);

The return of the vessel into the zone of Mozambique within the period of validity of its fishing authorisation shall give rise to further catch reporting.

Where the provisions concerning catch reporting are not observed, Mozambique may suspend the fishing authorisation of the vessel concerned until the missing catch report is obtained and penalise the ship-owner in accordance with the relevant provisions under the national legislation in force. If the offence is repeated, Mozambique may refuse to renew the fishing authorisation. Mozambique shall inform the EU immediately of any sanction applied in this context.

4. Final statement of fees for the tuna-fishing vessels and surface long liners

For each ocean-going tuna seiner and surface long liner, the EU shall draw up, on the basis of its catch reporting confirmed by the above scientific institutes, a final statement of the fees owed by the vessel in respect of its annual season for the previous calendar year.

The EU shall send this final statement to Mozambique and to the ship-owner before 31 July of the year in progress. Mozambique may contest the final statement, on the basis of

documentary proof, within 30 working days of its being sent. In the case of disagreement, the Parties shall consult each other in the Joint Committee. If Mozambique does not object within 30 working days, the final statement shall be considered to be adopted.

Where the final statement is greater than the anticipated flat-rate fee paid to obtain the fishing authorisation, the ship-owner shall pay the outstanding balance to Mozambique by 30 September of the year in progress. Where the final statement is less than the expected flat-rate fee, the remaining amount may not be reclaimed by the ship-owner.

CHAPTER V

Landings and transhipments

Transhipment at sea are prohibited. All transhipment operations in port are monitored under the presence of Mozambican fishing inspectors.

The master of an EU vessel wishing to land or to tranship must notify Mozambique, at least 48 hours before landing or transhipment, of the following:

- a. the name of the fishing vessel which must land or tranship and its number in the IOTC record of fishing vessels;
- b. the port of landing or transhipment;
- c. the date and time scheduled for the landing or transhipment;
- d. the quantity (expressed in kilograms of live weight or, if necessary, the number of individual fish) of each species to be landed or transhipped (identified by its FAO alpha 3 code);
- e. in the case of transhipment, the name of the receiving vessel;

For the receiving vessels, not later than 24 hours before the beginning and at the end of the transhipment, the master of the receiving carrier vessel shall inform the Mozambican authorities of the quantities of tuna and tuna-like species transhipped to his vessel and complete and transmit the transhipment declaration to the Mozambican authority within 24 hours.

The transhipment operation is subject to a prior authorisation delivered by Mozambique to the captain or its consignee within 24 hours after the above mentioned notification. The transhipment operation must be carried out in a Mozambican port authorised for this purpose.

The designated fishing ports where transhipment operations are permitted in Mozambique are Maputo, Beira and Nacala (ports declared to the IOTC under resolution 10/11 and as per PSME requirements).

EU vessels landing in Mozambique port shall endeavour to make their by-catch available to the local processing companies at the local market price. Upon request from the EU fishing companies the Mozambican authorities shall provide a list and contact of the local processing companies.

Non-compliance with these provisions shall lead to the application of the relevant sanctions provided for under the legislation of Mozambique.

CHAPTER VI

Control

1. Entering and leaving the zone

Any entry into or departure from the fishing zone of Mozambique of an EU vessel holding a fishing authorisation must be notified to Mozambique within 3 hours of the entry or departure.

When notifying its entry or departure, the vessel shall notify in particular:

- i. the date, time and point of passage scheduled;
- ii. the quantity of each target species held on board, as identified by its FAO alpha 3 code and expressed in kilograms of live weight or, if necessary, the number of individual fish;
- iii. The quantity of each by-catch species retained on board as identified by its FAO alpha 3-code and expressed in kilograms of its live weight or, if necessary, the number of individual fish.
- iv. The quantity of each by-catch species discarded as identified by its FAO alpha 3-code and expressed in kilograms of its live weight or, if necessary, the number of individual fish.

Notification shall be given preferably by e-mail or, failing that, by fax, to an e-mail address or a telephone number or a fax number communicated by Mozambique, using the form attached to the Annex as Appendix 4. Mozambique shall confirm receipt thereof immediately by return e-mail or fax.

Mozambique shall immediately inform the vessels concerned and the EU of any change to the e-mail address, telephone number or transmission frequency.

Any vessel found to be fishing in the Mozambican fishing zone without having previously notified its presence shall be considered to be an unauthorized fishing vessel.

Any person infringing this provision shall be liable to the penalties and sanctions provided for by the Mozambican fisheries law.

The entry/exit catch reports must be kept onboard at least for one year from the date of the report transmission.

2. Periodic catch report

When an EU vessel is operating in Mozambique waters, the captain of an EU vessel holding a fishing authorization must notify the Mozambique Authority every three days with the catch made in the fishing zone of Mozambique. The first catch declaration will start 5 days after the date of entry in Mozambique fishing zone.

Every 5 days when notifying its periodic catch report, the vessel shall notify in particular:

- i. the date, time and position on reporting;
- ii. the quantity of each target species caught and held on board during the 5 days period, as identified by its FAO alpha 3 code and expressed in kilograms of live weight or, if necessary, the number of individual fish;
- iii. the quantity of each by-catch species retained on board during the 5 days period, as identified by its FAO alpha 3 code and expressed in kilograms of live weight or, if necessary, the number of individual fish;
- iv. the quantity of each by-catch species discarded at sea during the 5 days period, as identified by its FAO alpha 3 code and expressed in kilograms of live weight or, if necessary, the number of individual fish;
- v. product presentation;
- vi. For tuna Purse seine fishing vessels:
 - number of successful sets on FAD since last report;
 - number of successful sets on free school since last report;
 - number of unsuccessful sets.
- vii. For tuna Long line fishing vessels:
 - number of sets since last report;
 - number of hooks deployed since last report.

Notification shall be given preferably by e-mail or, failing that, by fax, to an e-mail address or a telephone number communicated by Mozambique, using the form attached to the Annex as Appendix 5. Mozambique shall immediately inform the vessels concerned and the EU of any change to the e-mail address, telephone number or transmission frequency.

Any vessel found to be fishing in the Mozambican fishing zone without having notified its 5 days periodic catch report shall be considered to be an unauthorized fishing vessel. Any person infringing this provision shall be liable to the penalties and sanctions provided for by the Mozambican Fisheries Law.

The periodic catch reports must be kept on board at least during 1 year from the date of the report transmission.

3. Inspection at sea

The inspection at sea in the zone of Mozambique of EU vessels holding a fishing authorisation shall be carried out by vessels and inspectors of Mozambique who are clearly identified as being assigned to carry out fishing checks.

Before going on board, the authorised inspectors shall warn the EU vessel of their decision to carry out an inspection. The inspection shall be carried out by fisheries inspectors, who must provide proof of their identity and official position as an inspector before carrying out the inspection.

The authorised inspectors shall only stay on board the EU vessel for the time necessary to carry out tasks linked to the inspection. They shall carry out the inspection in a way which minimises the impact on the vessel, its fishing activity and cargo.

At the end of each inspection, the authorised inspectors shall draw up an inspection report. The master of the EU vessel has the right to make comments in the inspection report. The inspection report shall be signed by the inspector drawing up the report and the master of the EU vessel.

The authorised inspectors shall give a copy of the inspection report to the master of the EU vessel before leaving the vessel. In case of infringement, a copy of the notification of the infringement should be transmitted also to the EU as foreseen in chapter VIII.

4. Pre-fishing briefing and Pre-fishing inspection

Every calendar year and before engaging in fishing activities, 33% of EU vessels authorized to fish in Mozambican waters shall come to a Mozambican port for a pre-fishing briefing and a pre-fishing inspection.

The list of the designated vessels that should be inspected before engaging the fishing activity is communicated by Mozambican authority to the ship-owners and a copy is transmitted to the EU. For the vessels included in the list, the fishing authorisation will be handed over immediately after the inspection at port.

The ship-owner should inform 72 hours in advance the Mozambican authority about the timing and the port chosen for the inspection. Inspections will take place 24 hours upon arrival at the chosen port, namely Maputo, Beira or Nacala.

Mozambique may authorize the EU to participate in the inspection in port as an observer.

The master of the EU vessel shall allow the Mozambican inspectors to carry out their work.

At the end of each inspection, the Mozambican inspector shall draw up an inspection report. The master of the EU vessel has the right to include his comments in the inspection report.

The inspection report shall be signed by the inspector drawing up the report and the master of the EU vessel.

The Mozambican inspectors shall give a copy of the inspection report to the master of the EU vessel at the end of the inspection. Mozambique shall send a copy of the inspection report to the EU within a period of 8 working days after the inspection.

5. Inspection in port in case of landing and transshipment

The inspection in a port of Mozambique of EU vessels which land or tranship their catch from the Mozambican zone shall be carried out by Mozambican inspectors who are clearly identified as being assigned to carry out fishing checks.

Inspectors must provide proof of their identity and official position as an inspector before carrying out the inspection. The Mozambican inspectors shall only stay on board the EU vessel for the time necessary to carry out the tasks related to the inspection and shall conduct the inspection in such a way as to minimise the impact on the vessel, the landing or transshipment operation and the cargo.

At the end of each inspection, the inspectors shall draw up an inspection report. The master of the EU vessel has the right to include his comments in the inspection report. The inspection report shall be signed by the inspector drawing up the report and the master of the EU vessel.

The Mozambican inspectors shall give a copy of the inspection report to the master of the EU vessel at the end of the inspection.

CHAPTER VII

Satellite monitoring system (VMS)

1. Vessel position messages – VMS system

EU vessels holding a fishing authorisation must be equipped with a satellite monitoring system (Vessel Monitoring System – VMS) to enable automatic and continuous communication of their position, every one hour, to the fishing control centre (Fisheries Monitoring Centre – FMC) of their flag state.

Each position message must contain :

- a. the vessel identification;
- b. the most recent geographical position of the vessel (longitude, latitude), with a position error of less than 500 metres, and with a confidence interval of 99%;
- c. the date and time the position is recorded;
- d. the speed and the course of the vessel;

Each position message must be configured in accordance with the format included in Appendix 5 to this Annex.

The first position recorded after entry into the Mozambican zone shall be identified by the code 'ENT'. All subsequent positions shall be identified by the code 'POS', with the exception of the first position recorded after departure from the Mozambican zone, which shall be identified by the code 'EXI'. The FMC of the flag state shall ensure the automatic processing

and, if necessary, the electronic transmission of the position messages. The position messages shall be recorded in a secure manner and kept for a period of three years.

2. Transmission by the vessel in the event of breakdown of the VMS system

The master shall ensure at all times that the VMS system of his vessel is fully operational and that the position messages are correctly transmitted to the FMC of the flag state.

The EU vessels with defective VMS systems are not authorized to enter in the fishing zone of Mozambique.

When already operating in the fishing zone of Mozambique, in the event of breakdown, the VMS system of the vessel shall be repaired at the end of the trip or replaced within 10 days. After that period, the vessel shall no longer be authorised to fish in the Mozambican zone.

Vessels fishing in the Mozambican zone with a defective VMS system must communicate their position messages by e-mail or fax to the FMC of the flag state and of Mozambique, at least every two hours, and must provide all the compulsory information.

3. Secure communication of the position messages to Mozambique

The FMC of the flag state shall automatically send the position messages of the vessels concerned to the FMC of Mozambique. The FMC of the flag state and Mozambique shall exchange their contact e-mail addresses and inform each other without delay of any change to these addresses.

The transmission of position messages between the FMCs of the flag state and Mozambique shall be carried out electronically using a secure communication system.

The FMC of Mozambique shall inform the FMC of the flag state and the EU of any interruption in the receiving of consecutive position messages from a vessel holding a fishing authorisation, where the vessel concerned has not notified its departure from the zone.

4. Malfunction of the communication system

Mozambique shall ensure the compatibility of its electronic equipment with that of the FMC of the flag state and inform the EU immediately of any malfunction as regards the communication and receiving of position messages with a view to finding a technical solution as soon as possible. The Joint Committee shall deal with any possible dispute arising.

The master shall be considered to be responsible for any proven manipulation of the vessel's VMS system aimed at disturbing its operation or falsifying its position messages. Any infringement shall be subject to the penalties provided for by Mozambican legislation in force.

5. Revision of the frequency of position messages

On the basis of documentary evidence proving an infringement, Mozambique may ask the FMC of the flag state, copying in the EU, to reduce the interval for sending position messages from a vessel to every thirty minutes for a set period of investigation. This documentary evidence must be sent by Mozambique to the FMC of the flag state and the EU. The FMC of

the flag state shall immediately send the position messages to Mozambique at the new frequency.

The FMC of Mozambique shall then immediately notify the Control Centre of the flag State and the European Commission of the end of the inspection procedure;

At the end of the set investigation period, Mozambique shall inform the FMC of the flag state and the EU of any monitoring which is required.

CHAPTER VIII

Infringements

Failure to observe any of the rules and provisions of the Protocol, the management and conservation of living resources measures or Mozambique fisheries legislation may be penalized by fines, suspension, revocation or non-renewal of the vessel's fishing authorization.

1. Treatment of infringements

Any infringement committed in the Mozambican fishing zone by an EU vessel holding a fishing authorisation in accordance with the provisions of this Annex must be mentioned in an (inspection) report.

In case of an inspection on board, the signature of the inspection report by the master shall be without prejudice to the ship owner's right of defence in respect of an infringement. Where the master refuses to sign the inspection report, he writes in the inspection report the reasons of his refusal with the mention "refusal to sign".

For any infringement committed in Mozambique fishing zone by an EU vessel holding a fishing authorization the notification of the infraction defined and the accessory sanctions imposed to the captain or the fishing company shall be sent directly to the shipowners following the procedures set in the Mozambique Fisheries Law. A copy of the notification should be sent to the flag state of the vessel and to the EU within 72 hours.

2. Detention of a vessel

Where permitted under the Mozambican legislation in force regarding the infringement, any EU vessel having committed an infringement may be forced to cease its fishing activity and, where the vessel is at sea, to return to a Mozambican port.

Mozambique shall notify the EU within 24 hours of any detention of an EU vessel holding a fishing authorisation. The notification will provide the reasons of the arrest and/or detention.

Before taking any measure against the vessel, the master, the crew or the cargo, with the exception of measures aimed at protecting evidence, Mozambique shall designate an investigating officer and organise, at the request of the EU, within one working day of notification of the detention of the vessel, an information meeting to clarify the facts which have led to the vessel being detained and to explain what further action may be taken. A representative of the flag state and of the ship-owner of the vessel may attend this information meeting.

3. Penalties for infringements - Compromise procedure

The penalty for the infringement shall be set by Mozambique according to the provisions of the national legislation in force.

In the event that the ship-owner does not accept the fines, a compromise procedure prior to launching the legal procedures shall be undertaken between the Mozambican authorities and the EU vessel to settle the issue amicably. A representative of the flag state of the vessel may participate in this compromise procedure. The compromise procedure shall finish at the latest 72 hours after the notification of the detention of the vessel.

4. Legal proceeding – Bank guarantee

If the above mentioned compromise procedure fails and the infringement is brought before the competent court, the owner of the vessel which committed the infringement shall deposit a bank guarantee at a bank designated by Mozambique, the amount of which, as set by Mozambique, covers the costs linked to the detention of the vessel, the estimated fine and any compensation. The bank guarantee may not be recovered until the legal proceedings have been concluded.

The bank security shall be released and returned to the shipowner without delay after the judgment has been given:

- a. in full, if no penalty has been imposed;
- b. for the amount of the remaining balance, if the penalty is a fine which is lower than the amount of the bank security.

Mozambique shall inform the EU of the outcome of the legal proceedings within 8 days of the judgement being given.

5. Release of the vessel and the crew

The vessel and its crew shall be authorised to leave the port once the penalty has been paid in a compromise procedure, or once the bank guarantee has been deposited.

CHAPTER IX

Signing-on of seamen

1. Number of seamen to sign on

During their activities in Mozambique's fishing zone, the EU ocean-going tuna seiners shall sign-on at least 2 Mozambican qualified seamen per vessel. The long-liners shall sign on at least 1 Mozambican qualified seaman per vessel.

The owners of EU vessels shall endeavour to sign on additional Mozambican seamen.

When no Mozambican seamen are taken on board, for any reason, EU ship-owners shall be obliged to pay a flat rate amount equivalent to a figure based on the number of days that the vessel operated in Mozambique fishing zone multiplied by the amount per day which is fixed

at 30 € per seaman per vessel per day. The flat rate shall be paid to the Mozambique authorities at the latest by 31st December of the same year.

That sum shall be used for the training of seamen/fishermen in Mozambique and shall be paid into an account specified by the authorities of Mozambique.

2. Free choice of seamen

Mozambique holds a list of qualified seamen to be signed on for EU vessels.

The ship-owner, or their consignee, shall choose freely from this list the seamen to be signed on and shall notify Mozambique of their inclusion in the crew.

3. Seamen's contracts

The employment contract shall be drawn up by the ship-owner or its consignee and the seaman, if necessary represented by their union, in liaison with Mozambique. It shall stipulate in particular the date and port of signing on.

These contracts shall guarantee the seamen the social security cover applicable to them in Mozambique, including life assurance and sickness and accident insurance.

A copy of the contract shall be given to the signatories.

The basic working rights laid down in the declaration of the International Labour Organisation (ILO) shall be afforded to Mozambican seamen. This concerns in particular the freedom of association and the effective recognition of the right to collective bargaining, and the elimination of discrimination in respect of employment and occupation.

4. Seamen's wages

The wages of the Mozambican seamen shall be paid by the ship-owner. They shall be set before the fishing authorisation is issued and by mutual agreement between the ship-owner and its consignee in Mozambique.

The wages shall not be lower than those of crews on national vessels, nor the level determined by the ILO.

5. Seamen's obligations

The seamen shall report to the master of the vessel to which they have been appointed the day before the signing-on date stipulated in their contract. The master shall inform the seaman of the date and time of signing on. If the seaman withdraws or does not present himself at the date and time stipulated for his signing on, his contract shall be considered to be null and void and the ship-owner shall be automatically discharged from its obligation to sign him on. In this case the ship-owner shall not be liable for any financial penalty or compensation payment.

CHAPTER X

1. Observation of fishing activities

All EU vessels holding a fishing authorisation in Mozambique shall contribute 300 EUR to the fisheries observer program to be paid into the competent authority specific account, when they apply for the fishing authorisation. This fund shall be used to cover administrative and management cost of the observers program.

This observation program shall conform to the provisions provided for in the resolutions adopted by the IOTC (Indian Ocean Tuna Commission).

2. Designated vessels and observers

Mozambique authorities shall draw a list of vessels designated to take an observer on board. This list shall be kept up to date. It shall be forwarded to the European Commission as soon as it has been drawn up.

The Mozambique authorities shall inform the ship-owners concerned of the name of the observers appointed to be taken on board of their vessel no later than 15 days before the observer's planned embarkation date.

The observers shall not spend more time on board the vessel than is necessary to carry out their duties.

3. Observer's salary

The salary and social contributions of the observer shall be borne by the Mozambican authorities.

4. Embarkation conditions

The embarkation conditions for the observer, in particular the duration of presence on board, shall be defined by mutual agreement between the ship-owner or its consignee and Mozambique.

Observers shall be treated as officers. However, receiving the observer on board shall take into account the technical structure of the vessel.

The ship-owner shall bear the costs of providing accommodation and food for the observer on board.

The master shall take all the measures for which he is responsible to guarantee the physical safety and general wellbeing of the observer.

Observers shall be granted access to every facility needed to carry out their duties. They shall have access to means of communication and any documents on board, and to documents relating to the fishing activities of the vessel, in particular the fishing logbook, freeze log and navigation log, and the parts of the vessel directly linked to their duties.

5. Embarkation and landing of observers

The observer shall sign on in a port chosen by the ship-owner.

The ship-owner or its representative shall notify Mozambique, with a notice period of 10 days before the embarkation, of the date, time and port of embarkation of the observer. If the observer is embarked in a foreign country, their travel costs to the port of embarkation shall be borne by the ship-owner.

If the observer does not arrive to embark within 12 hours of the date and time set, the ship-owner shall be automatically discharged from its obligation to allow the observer to embark.

It shall be free to leave the port and start fishing operations.

Where the observer is not disembarked in a port of Mozambique, the ship-owner shall bear the costs of accommodation and food during the time the observer is waiting for repatriation flight.

6. Observer's obligations

Whilst they are on board observers shall:

- a. take all appropriate measures so as not to interrupt or hinder fishing operations;
- b. respect on-board property and equipment;
- c. respect the confidential nature of any document belonging to the vessel.

The observers shall communicate observations by radio, fax or e-mail at least once a week while the vessel is fishing in the Mozambican fishing zone, including the quantity of catches and by-catches on board and any other duties as required by the authority.

7. Observer's report

Before leaving the vessel, the observer shall submit a report of his observations to the master of the vessel. The master of the vessel shall have the right to make comments in the observer's report. The report shall be signed by the observer and the master. The master shall receive a copy of the observer's report.

The observer shall send his report to Mozambique, which shall send a copy of it to the EU within 15 working days of the disembarkation of the observer.

Appendices to this Annex

1. Appendix I - Application form for a fishing authorisation
2. Appendix 2 – Technical sheets

3. Appendix 3 – Fishing logbook
4. Appendix 4 – Entry/exit notification form
5. Appendix 5 – Format of VMS message position

Appendix 1 - Application form for a fishing authorisation


REPÚBLICA DE MOÇAMBIQUE
MINISTÉRIO DAS PESCAS

ADMINISTRAÇÃO NACIONAL DAS PESCAS

PEDIDO DE LICENÇA DE PESCA
(Request for Fishing License)
A preencher pelo requerente
(Information Requirements)

Nome do Proprietário (Name of Owner)

Endereço completo (Complete Address)

Nome do armador (Name of Ship Operator)

Endereço completo (Complete Address)

Caixa Postal (PO Box) Telefone (Telephone) Fax.....

Nome (1) (Name [1]).....

B.I./Passaporte.nº (National ID/Passport No) Local de emissão (Where issued).....

Validade (Validity)...../...../..... Morada (Home Address).....

Solicita a emissão da licença para pesca (Type of License Being Requested):.....(2)

Para exercer na zona de (Zone of Fishing Requested)

Tendo como porto base (Base Port)..... Província(Province).....

Utilizando as seguintes artes de pesca (using following fishing gear).....

Para a captura de (Targeted species).....

Características da embarcação (3) (4) (Vessel details/characteristics) (3) (4)

1. Nome (Name).....Pavilhão/Bandeira (Flag)Bandeira prévia (Previous flag) N.º de registo (Regist No.)... ..

2. Porto de registo (Port registry)..... N.º de IMO (IMO No.).....Ano de construção (Year of built)..... Estaleiro/País (Country).....

3. Tipo de casco (Type of hull).....Cor do costado (Hull Colour).....Cor da superestrutura (Colour Superstructure).....

4. Dimensões(metros) (Total dimensions):Comprimento total (length).....Boca (Width).....Pontal (Draught).....Tonelagem de arqueação bruta (GT).....Tons

5. Equipamento electrónico (6) (electronic equipment (6)): Rádio HF(HI radio).....Rádio VHF (VHF radio)Sonda(Echo sound)Sonar.....Navegador de satélite (Satellite Navigator).....Girabússola (compass).....Radar

6. Indicativo de chamada rádio (Radio call sign).....N.º de insuflados previstos (No. of Ribs).....

7. Sistema de VMS (VMS system).....Tipo de DLA do VMS (Type VMS Transponder)..... Modelo do DLA do VMS (Model of Transponder).....N.º de DNID VMS (VMS ALC No.).....

8. Motor principal (Principal engine): Marca(mark).....Capacidade para combustível (Fuel Capacity).....(l).Potência (power/potency).....HP

9. Aparelhos de pesca (Fishing equipment): N.º de guinchos (No. of winches).....Capacidade (capacity).....Tons

Arrasto de plumas (Beam trawler)(6).....Arrasto de popa (Stearn trawler)(6).....N.º de artes (No. of fishing gears).....

10. Características das artes de pesca (Fishing gears Characteristics): Comprimento do cabo da rede (length of net cable)m

11. Conservação do pescado (Fishery Conservation) (6) (7):

Produtos terminados (Finished products):.....

Sala de processamento: S/N (Processment factory: Y/N)

Congelamento (Freezing): Por ar forçado: S/N (By forced air: Y/N) Capacidade em ton/dia) (Capacity in tons/day).....Temp.(em °C) (time in °C).....

Por placas de contacto: S/N Capacidade(em ton/dia).....Temp.(em °C)..... (//)
(By plates contact Y/N) (Capacity in tons/day)
Na câmara de armazenagem frigorífica: S/N Capacidade(em ton/dia).....Temp.(em °C)..... (//)
(Storage in refrigerator) //
Armazenagem frigorífica: Porção 1 Capacidade (em ton).....Temp.(em °C)..... (//)
(Storage refrigerator : Hold 1) //
Armazenagem frigorífica: Porção 2 Capacidade (em ton).....Temp.(em °C)..... (//)
// //
Armazenagem frigorífica: Porção 3 Capacidade (em ton).....Temp.(em °C)..... (//)
//

Refrigeração: A gelo: S/N Caixas isotérmicas S/N (isothermic box) Capacidade (em ton).....
(Refrigeration: ice Y/N) Porção isolado S/N (isolated storage) Capacidade (em ton).....
Porção refrigerado: S/N (refrigerated storage) Capacidade (em ton).....Temp.(em °C).....

Água do mar refrigerada: S/N Capacidade (em ton).....Temp.(em °C).....
(seawater refrigerated: Y/N) (capacity in tons and temperature))
Condições para espécies vivas: S/N Quais.....
(conditions for alive species: Y/N wich one)
Água potável.....m3 Dessalinizadores: S/N Sanitários: S/N Número.....
(drinkable water capacity) (dessalinizators Y/N) (toilets) (number)
Equipamentos auxiliares de processamento: Classificadores: S/N Balanças: S/N
(auxiliar processing equipment) (classificators: Y/N) (balance: Y/N)
Trituradores: S / N Lavadores de Pescado: S / N Cozedores de Pescado: S / N
(Grinders: Y/N) (fisheries washers: Y/N) (fisheries cooks: Y/N)
Outros.....
(Others)

12. História da embarcação (Vessel history)

Nomes prévios (previous names):.....
Registos prévios (previous registers).....
Indicativos de chamada prévio (previous radio call sign).....

Assinatura do requerente
(Signature of requerent)

.....,aos.....de.....de..... (date and place)

Notas (Notes):

- (1) Nome do representante da empresa/director, gerente/agente local, etc (Name of Partner/director,local agent)
- (2) Indicar o pretendido: Industrial, semi industrial, operações de pesca conexas (Industrial, semi-industrial or relate fishing operations)
- (3) Anexe 3 fotografias a cores da embarcação (lateral, frontal e traseira, respectivamente) (3 photographs, front, side and back views)
- (4) De acordo com o título de registo de propriedade. (according the vessel registry docs)
- (5) Indicar se é de aço, Madeira ou Fibra de vidro. (indicate if it is wood, fiber or ace)
- (6) Assinale com X conforme aplicável (sign with x if applicable)
- (7) Anexe o fluxo de processamento (anexe processment lines)
- (12) Preencher se aplicável (fill in if applicable)

A preencher pela entidade emissora da licença de pesca

(Reserved to Agency issuance of license)

Autorizada a emissão da licença de pesca aos...../...../.....

(License issue Authorized on/...../.....)

Emitida a licença de pesca N.º.....

(License number)

Válida até.....

(valid until.....)

Condições especiais (Special conditions):.....

Assinatura
(signature)

.....,aos, ... de.....de..... (date and place)

Appendix 2 – Technical sheets

SHEET : TUNA SEINERS AND SURFACE LONGLINERS

1. Fishing zone:	
- Beyond twelve nautical miles from the base lines. - Geographical coordinates: see table below	
1. Authorised gear:	
- Seine - Surface longliner	
2. By-catches:	
Compliance with IOTC Resolutions	
3. Authorised tonnage/Fees:	
Number of vessels authorised to fish	- Ocean-going tuna seiner vessels : 43 - surface longliner vessels : 32
Annual advance payment fee:	5 100 euro per ocean-going tuna seiner vessel, for 146 tonnes of catch of highly migratory and associated species 4 100 euro per surface longliner vessel > 250 GT, for 118 tonnes of catch of highly migratory and associated species 2 500 euro per surface longliner vessel < 250 GT, for 72 tonnes of catch of highly migratory and associated species
Additional fee:	35 euro per tonne caught
4. Mozambique national seamen	
30 euro per seaman, per vessel, per day in case of non embarking. (6) Observers (contribution to the fisheries observer program) 300 euro per year, per vessel	

Geographical coordinates:

Point	1	2	3	4	5	6	7	8	9	10	11
Latitude	<u>26°50'S</u>	<u>26°00'S</u>	<u>25°10'S</u>	<u>24°45'S</u>	<u>22°42'S</u>	<u>21°34'S</u>	<u>20°03'S</u>	<u>16°38'S</u>	<u>15°40'S</u>	<u>11°50'S</u>	<u>10°26'S</u>
Longitude	<u>37°36'E</u>	<u>38°15'E</u>	<u>38°38'E</u>	<u>38°24'E</u>	<u>37°54'E</u>	<u>37°30'E</u>	<u>37°58'E</u>	<u>41°18'E</u>	<u>42°31'E</u>	<u>41°45'E</u>	<u>42°05'E</u>

Appendix 3 – Fishing logbook

Appendix 4 – Entry/Exit notification form

COMMUNICATION FORMAT REPORTS

ENTRY / EXIT REPORTS

PERIODIC CATCH REPORT WHEN IN MOZAMBICAN EEZ

All reports shall be transmitted to the competent authority, the National Fisheries Administration of Mozambique, at:

Email: entryexitcatchmoz@gmail.com

(Alternative - Fax: + 258 21 320 335)

Please note that:

- Entry or exit reports must be sent to the email provided above within three hours before the event,
- Catch must be reported per species and live weight,
- Catch unit must be in kilogramme,
- The reporting of catch relates to both the targeted species and the by-catch species. The species list provided below can be changed according to the species caught.

1. Entry report format (within three hours before the event)

Subject text: Vessel Name / IN

Vessel name:

International radio call sign:

Date of entry (dd/mm/yyyy):

Time of entry (UTC):

Position of entry (*Deg Mn Sec*):

Total quantity of fish species on board at Entry in EEZ

Yellowfin (YFT) Kg

Bigeye tuna (BET) Kg

Skipjack (SKJ) Kg

Albacore (ALB) Kg

Marlin (MAR) Kg

Swordfish (SWO) Kg
Shortbill spearfish (SSP) Kg
Sailfish (SFA) Kg
Blue shark (BSH) Kg
Porbeagle (POR) Kg
Mako shark (MAK) Kg
Great white shark (TIG) Kg
Crocodile shark (PSK) Kg
Thresher sharks (THR) Kg
Oceanic whitetip shark (OCS) Kg
Hammerhead Sharks (SPN) Kg
Other Requiem sharks (CWZ) Kg
Others (specify species + FAO Code) Kg
Etc...

2. Exit report format (within 3 hours before the event)

Subject text: Vessel Name / OUT

Vessel name:

International radio call sign:

Date of exit (*dd/mm/yyyy*):

Time of exit (UTC):

Position at exit (*Deg Mn Sec*):

Total quantity of fish species on board at Exit of EEZ

Yellowfin (YFT) Kg

Bigeye tuna (BET) Kg

Skipjack (SKJ) Kg

Albacore (ALB) Kg

Marlin (MAR) Kg

Swordfish (SWO) Kg

Shortbill spearfish (SSP) Kg

Sailfish (SFA) Kg

Blue shark (BSH) Kg

Porbeagle (POR) Kg

Mako shark (MAK) kg

Great white shark (TIG) Kg

Crocodile shark (PSK) Kg

Thresher sharks (THR) Kg

Oceanic whitetip shark (OCS) Kg

Hammerhead Sharks (SPN) Kg

Other Requiem sharks (CWZ) Kg

Others (specify + FAO Code)

Etc...

3. Weekly/periodic catch report format (every three days when the vessel is operating in Mozambique waters)

Subject text: Vessel Name / WCR

Vessel name:

International radio call sign:

Date at reporting (*dd/mm/yyyy*):

Time at reporting (UTC):

Position at reporting (*Deg Mn Sec*)

Catch in Mozambique EEZ (KG)

Yellowfin (YFT) Kg
Bigeye tuna (BET) Kg
Skipjack (SKJ) Kg
Albacore (ALB) Kg
Marlin (MAR) Kg
Swordfish (SWO) Kg
Shortbill spearfish (SSP) Kg
Sailfish (SFA) Kg
Blue shark (BSH) Kg
Porbeagle (POR) Kg
Mako shark (MAK) Kg
Great white shark (TIG) Kg
Crocodile shark (PSK) Kg
Thresher sharks (THR) Kg
Oceanic whitetip shark (OCS) Kg
Hammerhead Sharks (SPN) Kg
Other Requiem sharks (CWZ) Kg
Others (specify species + FAO Code)
Etc...

For Tuna Purse Seine fishing vessel:

- Number of successful sets on FAD since last report:
- Number of successful sets on free school since last report
- Number of unsuccessful sets:

For Tuna Longline fishing vessel:

- Number of sets since last report:
- Number of hooks deployed since last report:

The table below shows the official alphanumeric codes (also called "3-alpha") for the species under the mandate of the IOTC. The English, French and Scientific names are taken from the FAO taxonomy.

Code	English Name	French Name	Scientific Name
ALB	Albacore tuna	Germon	<i>Thunnus alalunga</i>
BET	Bigeye tuna Patudo;	Thon obèse	<i>Thunnus obesus</i>
BFT	Bluefin tuna	Thon rouge	<i>Thunnus thynnus thynnus</i>
BIL	Marlins, sailfishes, spear fish	Poissons épêe NCA**	<i>Xiphoidei NEI*</i>
BIP	Indo-Pacific Bonito	Bonito oriental	<i>Sarda orientalis</i>
BLM	Black Marlin	Makaire noir	<i>Makaira indica</i>
BLT	Bullet tuna	Bonitou	<i>Auxis rochei</i>
BLZ	Indo-Pacific Blue Marlin	Makaire bleu de l'Indo Pacifique	<i>Makaira mazara</i>
COM	Narrow barred Spanish Mackerel	Thazard rayé	<i>Scomberomorus commersoni</i>
DOT	Dogtooth tuna	Bonite à gros yeux	<i>Gymnosarda unicolor</i>
FRI	Frigate tuna	Auxide	<i>Auxis thazard</i>
FRZ	Frigate and Bullet tunas	Auxides et Bonitons	<i>Auxis spp.</i>
GUT	Indo-Pacific king mackerel	Thazard ponctué	<i>Scomberomorus guttatus</i>
KAW	Kawakawa	Thonine orientale	<i>Euthynnus affinis</i>
KGX	Seerfishes NEI*	Thazards NCA**	<i>Scomberini NEI*</i>
LOT	Longtail tuna	Thon mignon	<i>Thunnus tonggol</i>
MAR	Marlines NEI*	Makaire NCA**	
MLS	Striped Marlin	Marlin rayé	<i>Tetrapturus audax</i>
OBL	Billfishes, unclassified	Porte-épée non-classifiés	
OTH	Others NEI*	Autres NCA**	<i>Scombridae and Xiphoidei</i>
RSK	Requiem sharks	<i>Carcharinidae</i>	
SBF	Southern Bluefin tuna	Thon rouge du sud	<i>Thunnus maccoyii</i>
SFA	Indo-Pacific Sailfish	Voilier de l'Indo-Pacifique	<i>Istiophorus platypterus</i>
SHK	Shark	Requins	
SKJ	Skipjack Listao;	Bonite à ventre rayé	<i>Katsuwonus pelamis</i>
SSP	Short-billed spearfish	Makaire à rostre court	<i>Tetrapterus angustirostris</i>
STS	Streaked seerfish	Thazard cirrus	<i>Scomberomorus lineolatus</i>
SWO	Swordfish	Espadon	<i>Xiphias gladius</i>

TUN	Tunas and Bonitos NEI*	Thons et bonites NCA**	<i>Thunnini and Sardini NEI*</i>
WAH	Wahoo Thazard-b%otard	<i>Acanthocybium solandri</i>	
YFT	Yellowfin tuna	Albacore <i>Thunnus albacares</i>	

*NEI: not elsewhere included

**NCA : non compris ailleurs

Appendix 5 – Format of VMS message position

COMMUNICATION OF VMS MESSAGES POSITION REPORT

Data Element	Code	Mandatory/ Optional	Content
Start record	SR	M	System detail – indicates start of record
Addressee	AD	M	Message detail – addressee. Alpha-3 ISO country code
From	FR	M	Message detail – sender. Alpha-3 ISO country code
Flag State	FS	O	Message detail – flag state
Type of message	TM	M	Message detail – message type [ENT, POS, EXI]
Radio call sign	RC	M	Vessel detail – international radio call sign of vessel
Contracting Party internal reference number	IR	O	Vessel detail – unique Contracting Party number (flag State ISO3 code followed by number)
External registration number	XR	M	Vessel detail – number marked on side of vessel
Latitude	LA	M	Vessel position detail – position in degrees and minutes N/S DDMM (WGS84)
Longitude	LO	M	Vessel position detail – position in degrees and minutes E/W DDMM (WGS84)
Course	CO	M	Vessel course 360° scale
Speed	SP	M	Vessel speed in tenths of knots
Date	DA	M	Vessel position detail – date of record of UTC position (YYYYMMDD)
Time	TI	M	Vessel position detail – time of record of UTC position (HHMM)
End record	ER	M	System detail - indicates end of record

M = mandatory data element
O = optional data element

Each data transmission is structured as follows:

1. characters are accorded to the ISO 8859.1 norm
2. a double slash (//) and field code SR indicate the start of the message
3. each data element is identified by its code and separated from the other data elements by a double slash (//)
4. a single slash (/) separates the field code and the data
5. the ER code followed by a double slash (//) indicates the end of the message
6. the optional data elements must be inserted between the start and the end of the message

LEGISLATIVE FINANCIAL STATEMENT

1. FRAMEWORK OF THE PROPOSAL/INITIATIVE

- 1.1. Title of the proposal/initiative**
- 1.2. Policy area(s) concerned**
- 1.3. Nature of the proposal/initiative**
- 1.4. Objective(s)**
- 1.5. Grounds for the proposal/initiative**
- 1.6. Duration and financial impact**
- 1.7. Management mode(s) envisaged**

2. MANAGEMENT MEASURES

- 2.1. Monitoring and reporting rules**
- 2.2. Management and control system**
- 2.3. Measures to prevent fraud and irregularities**

3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

- 3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected**
- 3.2. Estimated impact on expenditure**
 - 3.2.1. Summary of estimated impact on expenditure*
 - 3.2.2. Estimated impact on operational appropriations*
 - 3.2.3. Estimated impact on appropriations of an administrative nature*
 - 3.2.4. Compatibility with the current multiannual financial framework*
 - 3.2.5. Third-party contributions*
- 3.3. Estimated impact on revenue**

1. FRAMEWORK OF THE PROPOSAL/INITIATIVE

1.1. Title of the proposal/initiative

Proposal for a Council Decision on the conclusion of a new Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Republic of Mozambique

1.2. Policy area(s) concerned in the ABM/ABB structure⁸

11. - Maritime Affairs and Fisheries

11.03 - International fisheries and law of the sea

1.3. Nature of the proposal/initiative

☐ The proposal/initiative relates to a new action

☐ The proposal/initiative relates to a new action following a pilot project/preparatory action⁹

X The proposal/initiative relates to the extension of an existing action

☐ The proposal/initiative relates to an action redirected towards a new action

1.4. Objectives

1.4.1. *The Commission's multiannual strategic objective(s) targeted by the proposal/initiative*

The Commission's exclusive responsibility for negotiating bilateral fisheries agreements involves negotiating, concluding and implementing Fisheries Partnership Agreements (FPAs) and, at the same time, ensuring political dialogue between partners in the field of fisheries policy in the third countries concerned.

The negotiation and conclusion of fisheries agreements with third countries meets the general objective of maintaining and safeguarding the fishing activities of the European Union fleet, including the distant-water fleet, and developing relations in a spirit of partnership with a view to strengthening the sustainable exploitation of fishery resources outside EU waters, taking account of environmental, social and economic concerns.

FPAs also ensure coherence between the principles governing the Common Fisheries Policy and the commitments made under other European policies (sustainable use of third-country resources, combating illegal, unreported and unregulated (IUU) fishing, integration of partner countries into the global economy and better political and financial governance of fisheries).

⁸ ABM: Activity Based Management – ABB: Activity Based Budgeting.

⁹ As referred to in Article 49(6)(a) or (b) of the Financial Regulation.

1.4.2. *Specific objective(s) and ABM/ABB activity(ies) concerned*

Specific objective No 1¹⁰

To contribute to sustainable fishing in non-EU waters, maintain a European presence in distant-water fisheries and protect the interests of the European fisheries sector and of consumers by negotiating and concluding fisheries partnership agreements with coastal states (third countries), in consistency with other European policies.

ABM/ABB activity(ies) concerned

Maritime affairs and fisheries, international fisheries and law of the sea, international fisheries agreements (budget line 11.0301)

1.4.3. *Expected result(s) and impact*

Specify the effects which the proposal/initiative is expected to have on the beneficiaries/groups targeted.

The conclusion of the Fisheries Protocol between the EU and Mozambique will help maintain the current level of fishing opportunities for European vessels in Mozambique waters for the period 2012-2014, particularly as regards the tuna fleet. The Protocol will help maintain continuity in the fishing zones covered by agreements in the Indian Ocean. The Protocol will also contribute to better management and conservation of fishery resources, through financial support (sectoral support) for the implementation of the annual and multiannual programmes adopted at national level by the partner country.

1.4.4. *Indicators of results and impact*

Specify the indicators for monitoring implementation of the proposal/initiative.

The following indicators will be used in the context of ABM (activity-based management) for the purposes of monitoring implementation of the Agreement:

- monitoring the annual rate of utilisation of fishing opportunities (annual uptake of fishing authorisations as a percentage of availability under the Protocol);
- gathering and analysing data on catches and the commercial value of the Agreement In aggregate with other fisheries partnership agreements concluded by the EU with third countries, the following indicators may be used as part of a multiannual analysis:
- contribution to employment and to added value in the EU;
- contribution to stabilising the EU market;

Furthermore, the following monitoring indicator is also proposed:

¹⁰ p.m.: In the activity statements drawn up for the 2011 budget, this is specific objective No 2; Please refer to: <http://www.cc.cec/budg/bud/proc/adopt/ doc/ pdf/2011/mare.pdf>

- number of technical meetings and Joint Committee meetings.

1.5. Grounds for the proposal/initiative

1.5.1. Requirement(s) to be met in the short or long term

The new Protocol covers the period from 1 January 2012 to 31 December 2014. It will provide a framework for the fishing activities of the European fleet and will, in particular, allow shipowners to continue to obtain fishing authorisations in the Mozambique fishing zone .

In addition, one of the objectives of the new Protocol is to strengthen the cooperation between the EU and Mozambique on promoting the development of a sustainable fisheries policy and the rational exploitation of fishery resources in the Mozambique fishing zone.

The contribution allocated to this end under the previous protocol has been used in full and was even insufficient to meet requirements in this area, particularly as regards the monitoring and surveillance of fishing activities in the Mozambique fishing zone. The amount allocated under the new protocol to assist the fishing sector is greater, at EUR 460 000.

The main elements of the new Protocol are:

- Fishing opportunities: 43 tuna seiners and 32 surface longliners vessels will be authorised to fish, with an annual reference tonnage of 8 000 tonnes. The allocation of these fishing opportunities among the Member States concerned is the subject of a proposal for a specific Council Regulation.
- Annual financial contribution: EUR 980 000

Advances and fees payable by shipowners¹¹: EUR 35 per tonne of tuna caught in the Mozambique fishing area by seiners and surface longliners. The annual advances are set at EUR 5 100 per tuna seiner, EUR 4 100 per longliner of more than 250 GT and EUR 2 500 per longliner of less than 250 GT.

1.5.2. Added value of EU involvement

As regards this new Protocol, failure to act by the EU would allow private agreements to spring up which would not guarantee sustainable fisheries. The European Union also hopes that, with this Protocol, Mozambique will continue to cooperate effectively with the EU in regional bodies such as the Indian Ocean Tuna Commission (IOTC) and the Indian Ocean Commission (IOC). The funds available will also allow Mozambique to continue its strategic planning efforts for the implementation of its fisheries policies and to strengthen its capacity for combating IUU fishing, in particular by improving its infrastructure for monitoring and controlling fishing activities in its fishing zone.

The Fisheries Agreement also provides employment for seamen from the European Union and Mozambique. It will also generate economic activity in ports in Mozambique which will be

¹¹ Advances and fees payable by ship-owners have no impact on the Community budget.

used by EU shipowners for the pre-fishing inspections, according to mozambican fishery law, and to carry out repairs on their ships.

1.5.3. *Lessons learned from similar experiences in the past*

A thorough evaluation was carried out on the Protocol for 2006-11, finalised in June 2011, with the assistance of a consortium of independent consultants, with a view to the possible launch of negotiations on a new Protocol.

The ex-ante evaluation identified the following points of interest for the EU:

- By meeting the needs of the European fleets, the fisheries agreement with Mozambique could help support the viability of the EU tuna industry in the Indian Ocean.
- The Protocol is deemed to be capable of contributing to the viability of European industries by offering European Union vessels and the industries which depend on them a stable legal environment and medium-term visibility.

As regards the interests of Mozambique in the context of the Protocol, the conclusions of the evaluation were:

- The Fisheries Agreement can help strengthen institutional capacities in the fisheries sector by improving research, and monitoring, control and surveillance (MCS) activities, as well as training and the viability of the small-scale fishing sector.
- The Fisheries Agreement will also have an impact on the country's budgetary and political stability.

In addition to the direct commercial value of the catches for the vessels involved, the agreement could yield the following manifest benefits:

- guaranteed jobs on board fishing vessels;
- multiplier effect on employment in ports, shipyards, service enterprises, etc.;
- location of these jobs in regions where there are no other employment possibilities;
- contribution to the supply of fish in the EU.

1.5.4. *Coherence and possible synergy with other relevant financial instruments*

Funds paid out under fisheries partnership agreements constitute fungible revenue in the budgets of the third-country partners. However, allocating some of those funds for implementing measures as part of the country's sectoral policy is a condition for the conclusion and monitoring of FPAs. These financial resources are compatible with other sources of funding from other international donors, including the EDF funds.

1.6. Duration and financial impact

☒ Proposal/initiative of limited duration

☒ Proposal/initiative in force for a period of three years from 1 January 2012, the date from which the Protocol applies on a provisional basis pursuant to the Council Decision on the signing, on behalf of the European Union, and the provisional application of the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Republic of Mozambique.

☒ Financial impact from 2012 to 2014

☐ Proposal/initiative of unlimited duration

- Implementation with a start-up period from [YYYY] to [YYYY],
- followed by full-scale operation.

1.7. Management mode(s) envisaged¹²

☒ Centralised direct management by the Commission

☐ Centralised indirect management with the delegation of implementation tasks to:

- ☐ executive agencies
- ☐ bodies set up by the Communities¹³
- ☐ national public-sector bodies/bodies with a public-service mission
- ☐ persons entrusted with the implementation of specific actions pursuant to Title V of the Treaty on European Union and identified in the relevant basic act within the meaning of Article 49 of the Financial Regulation

☐ Shared management with the Member States

☐ Decentralised management with third countries

☐ Joint management with international organisations (to be specified)

If more than one management mode is indicated, please provide details in the 'Comments' section.

¹² Details of management modes and references to the Financial Regulation may be found on the BudgWeb site: http://www.cc.cec/budg/man/budgmanag/budgmanag_en.html

¹³ As referred to in Article 185 of the Financial Regulation.

Comments

[...]

2. MANAGEMENT MEASURES

2.1. Monitoring and reporting rules

Specify frequency and conditions.

The Commission (DG MARE, in collaboration with its fisheries counsellor in Mauritius and the European Union's Delegation to Mozambique) will ensure regular monitoring of the implementation of this Protocol, particularly as regards operators' use of fishing opportunities and in terms of catch data.

Furthermore, the Fisheries Partnership Agreement provides for at least one annual meeting of the Joint Committee, at which the Commission and the Member States concerned meet with the third country to review the implementation of the Agreement and the Protocol thereto.

As regards the implementation of sectoral support, the Protocol stipulates that, each year, the two Parties must evaluate the progress made in implementing the multiannual sectoral programme. The Protocol provides for a possible adjustment of the financial contribution allocated to sectoral support if this evaluation reveals that the financed objectives are not being satisfactorily achieved.

2.2. Management and control system

2.2.1. Risk(s) identified

There is some risk in setting up a fisheries protocol, for example: the amounts intended to finance the sectoral fisheries policy might not be allocated as agreed (under-programming).

2.2.2. Control method(s) envisaged

To avoid the risks mentioned in the previous point, extensive dialogue is planned on the programming and implementation of the sectoral policy. Joint analysis of progress, as referred to in paragraph 2.1, also forms part of these control methods.

In addition, the Protocol contains specific clauses for its suspension, on certain conditions and in given circumstances.

2.3. Measures to prevent fraud and irregularities

Specify existing or envisaged prevention and protection measures.

The use to which the financial contribution paid by the EU under the Agreement is put is entirely at the discretion of the sovereign third country concerned. Nevertheless, the Commission undertakes to try to establish permanent political dialogue and cooperation with a view to improving the management of the Agreement and strengthening the EU's contribution to the sustainable management of resources. In any case, any payment which the Commission makes under a fisheries agreement is subject to the Commission's standard rules and budgetary and financial procedures. This makes it possible, in particular, to fully identify the bank accounts of the third countries into which the financial contribution is paid. For this particular

Protocol, Article 2 stipulates that the entire financial contribution must be paid into a Public Treasury account opened with a financial institution specified by the Mozambique authorities.

3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected

- Existing expenditure budget lines

In order of multiannual financial framework headings and budget lines.

Heading of multiannual financial framework	Budget line:	Type of expenditure	Contribution			
	Number [Description.....]	DA/NDA ¹⁴	from EFTA countries ¹⁵	from candidate countries ¹⁶	from third countries	within the meaning of Article 18(1)(aa) of the Financial Regulation
2	11.0301	DA	NO	NO	NO	NO
	International fisheries agreements					
	11.010404	NDA				
	International fisheries agreements – administrative expenditure					

- New budget lines requested

(not applicable)

In order of multiannual financial framework headings and budget lines.

Heading of multiannual financial framework	Budget line:	Type of expenditure	Contribution			
	Number [Description.....]	DA/NDA	from EFTA countries	from candidate countries	from third countries	within the meaning of Article 18(1)(aa) of the

¹⁴ DA= Differentiated appropriations / NDA= Non-differentiated appropriations.

¹⁵ EFTA: European Free Trade Association.

¹⁶ Candidate countries and, where applicable, potential candidate countries from the Western Balkans.

						Financial Regulation
[...]	[XX.YY.YY.YY] [...]	[...]	YES/NO	YES/NO	YES/NO	YES/NO

3.2. Estimated impact on expenditure

3.2.1. Summary of estimated impact on expenditure

EUR million (to four decimal places)

Heading of multiannual financial framework:	2	Preservation and management of natural resources
---	---	--

DG: MARE			Year N ¹⁷ (2012)	Year N+1 (2013)	Year N+2 (2014)	Year N+3	insert as many columns as necessary in order to reflect the duration of the impact (see point 1.6)			TOTAL
• Operational appropriations										
Number of budget line: 11.0301	Commitments	(1)	0.980	0.980	0.980					2.940
	Payments	(2)	0.980	0.980	0.980					2.940
Number of budget line:	Commitments	(1a)								
	Payments	(2a)								
• Appropriations of an administrative nature financed from the envelope of specific programmes ¹⁸										
Number of budget line: 11.010404		(3)	0.021	0.021	0.081					0.123
TOTAL for DG MARE	Commitments	=1+1a +3	1.001	1.001	1.061					3.063
	Payments	=2+2a	1.001	1.001	1.061					3.063

¹⁷ Year N is the year in which implementation of the proposal/initiative starts.

¹⁸ Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former 'BA' lines), indirect research, direct research.

		+3								
--	--	----	--	--	--	--	--	--	--	--

• TOTAL operational appropriations ¹⁹	Commitments	(4)	0.980	0.980	0.980					2.940
	Payments	(5)	0.980	0.980	0.980					2.940
• TOTAL appropriations of an administrative nature financed from the envelope of specific programmes		(6)	0.021	0.021	0.081					0.123
TOTAL appropriations under HEADING 2 of the multiannual financial framework	Commitments	=4+ 6	1.001	1.001	1.081					3.083
	Payments	=5+ 6	1.001	1.001	1.081					3.083

If more than one heading is affected by the proposal/initiative: **(not applicable)**

• TOTAL operational appropriations	Commitments	(4)								
	Payments	(5)								
• TOTAL appropriations of an administrative nature financed from the envelope of specific programmes		(6)								
TOTAL appropriations under HEADINGS 1 to 4 of the multiannual financial framework (Reference amount)	Commitments	=4+ 6								
	Payments	=5+ 6								

¹⁹ The financial contribution comprises: a) EUR 520 000 per year, equivalent to an annual reference tonnage of 8 000 tonnes, and b) EUR 460 000 per year, corresponding to support for the development of the sectoral fisheries policy of the Republic of Mozambique. Where the annual quantity caught exceeds 8 000 tonnes, the amount of the annual financial contribution will be increased by EUR 65 for each additional tonne caught. However, the total annual amount paid by the EU may not exceed EUR 1 040 000 per year (see Article 2(4) of the Protocol).

Heading of multiannual financial framework:	5	‘Administrative expenditure’
---	---	------------------------------

EUR million (to three decimal places)

		Year N (2012)	Year N+1 (2013)	Year N+2 (2014)	Year N+3 ²⁰ (2015)	insert as many columns as necessary in order to reflect the duration of the impact (see point 1.6)			TOTAL
DG: MARE									
• Human resources		0.064	0.064	0.064					0.192
• Other administrative expenditure ²¹		0.010	0.010	0.010					0.030
TOTAL DG MARE	Appropriations	0.074	0.074	0.074					0.222

TOTAL under of the multiannual financial framework	HEADING 5 appropriations	(Total commitments = Total payments)	0.074	0.074	0.074				0.222
--	--------------------------------	---	-------	-------	-------	--	--	--	-------

EUR million (to three decimal places)

		Year N ²²	Year N+1	Year N+2	Year N+3	insert as many columns as necessary in order to reflect the duration of the impact (see point 1.6)			TOTAL
TOTAL	Commitments	1.075	1.075	1.155					3.305

²⁰ Administrative expenses are spread over three budget years, given that the protocol covers the period January 2012-December 2014.

²¹ Estimated costs for on-the-spot monitoring missions.

²² Year N is the year in which implementation of the proposal/initiative starts.

under HEADINGS 1 to 5 of the multiannual financial framework	Payments	1.075	1.075	1.155					3.305
---	----------	-------	-------	-------	--	--	--	--	-------

3.2.2. Estimated impact on operational appropriations

- ☐ The proposal/initiative does not require the use of operational appropriations
- ☒ The proposal/initiative requires the use of operational appropriations, as explained below:

Commitment appropriations in EUR million (to four decimal places)

Indicate objectives and outputs ↓			Year N (2012)		Year N+1 (2013)		Year N+2 (2014)		Year N+3		... insert as many columns as necessary in order to reflect the duration of the impact (see point 1.6)								TOTAL	
	OUTPUTS																			
	Type of output ²³	Average cost of the output	Number of outputs	Total cost	Number of outputs	Total cost	Number of outputs	Total cost	Number of outputs	Total cost	Number of outputs	Total cost	Number of outputs	Total cost	Number of outputs	Total cost	Number of outputs	Total cost		
SPECIFIC OBJECTIVE NO 1 ²⁴																				
Tuna catches	Ref tonnage	65 €/t	8000 t	0.520	8 000 t	0.520	8 000 t	0.520									24 000 t	1.560		
Sectoral support		0.460	1	0.460	1	0.460	1	0.460										1.380		
Sub-total for specific objective No 1				0.980		0.980		0.980										2.940		

²³ Outputs are products and services to be supplied (e.g. number of student exchanges financed, number of km of roads built, etc.).
²⁴ As described in Section 1.4.2. 'Specific objective(s)'

SPECIFIC OBJECTIVE NO 2 ...																		
Output																		
Sub-total for specific objective No 2																		
TOTAL COST				0.980		0.980		0.980										2.940

3.2.3. Estimated impact on appropriations of an administrative nature

3.2.3.1. Summary

- ☐ The proposal/initiative does not require the use of administrative appropriations
- ☒ The proposal/initiative requires the use of administrative appropriations, as explained below:

EUR million (to three decimal places)

	Year N ²⁵ (2012)	Year N+1 (2013)	Year N+2 (2014)	Year N+3	insert as many columns as necessary in order to reflect the duration of the impact (see point 1.6)	TOTAL
--	--------------------------------	--------------------	--------------------	-------------	--	-------

HEADING 5 of the multiannual financial framework								
Human resources	0.064	0.064	0.064					0.192
Other administrative expenditure ²⁶	0.010	0.010	0.010					0.030
Subtotal HEADING 5 of the multiannual financial framework	0.074	0.074	0.074					0.222

Outside HEADING 5 of the multiannual financial framework ²⁷								
Human resources	0.016	0.016	0.016					0.048
Other expenditure of an administrative nature ²⁸	0.005	0.005	0.065					0.075
Subtotal outside HEADING 5 of the multiannual	0.021	0.021	0.081					0.123

²⁵ Year N is the year in which implementation of the proposal/initiative starts.

²⁶ Estimated costs for on-the-spot monitoring missions by personnel of headquarters.

²⁷ Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former 'BA' lines), indirect research, direct research.

²⁸ Estimated costs for on-the-spot monitoring missions by personnel in delegation. The 2014 amount includes a provision for an ex-post evaluation of the Protocol.

financial framework								
---------------------	--	--	--	--	--	--	--	--

TOTAL	0.085	0.085	0.155					0.345
-------	-------	-------	-------	--	--	--	--	-------

3.2.3.2. Estimated requirements of human resources

- ☐ The proposal/initiative does not require the use of human resources
- ☒ The proposal/initiative requires the use of human resources, as explained below:

Estimate to be expressed in full amounts (or at most to one decimal place)

	Year N (2012)	Year N+1 (2013)	Year N+2 (2014)	Year N+3 (2015)	Enter as many years as necessary to show the duration of the impact (see point 1.6)
• Establishment plan posts (officials and temporary agents)					
XX 01 01 01 (Headquarters and Commission's Representation Offices)	0.051	0.051	0.051		
XX 01 01 02 (Delegations)					
XX 01 05 01 (Indirect research)	0	0	0	0	
10 01 05 01 (Direct research)	0	0	0	0	
• External personnel (in full-time equivalent – FTE) ²⁹					
XX 01 02 01 (CA, INT, SNE from the 'global envelope')	0	0	0	0	
XX 01 02 02 (CA, INT, JED, LA and SNE in the delegations)	0.013	0.013	0.013		
XX 01 04 yy ³⁰	at Headquarters ³¹				
	- in delegations				
XX 01 05 02 (CA, INT, SNE - Indirect research)					
10 01 05 02 (CA, INT, SNE - Direct research)					

²⁹ CA= Contract Agent; INT= agency staff ('Intérimaire'); JED= 'Jeune Expert en Délégation' (Young Experts in Delegations); LA= Local Agent; SNE= Seconded National Expert.

³⁰ Sub-ceiling for external staff under operational appropriations (former 'BA' lines).

³¹ For Structural Funds, European Agricultural Fund for Rural Development (EAFRD) and European Fisheries Fund (EFF).

11 01 04 04 (CA, responsible for monitoring implementation of sectoral support)	0.016	0.016	0.016		
---	-------	-------	-------	--	--

TOTAL	0.080	0.080	0.080		
-------	-------	-------	-------	--	--

XX is the policy area or budget title concerned.

The human resources required will be met by staff from the DG who are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

Human resources estimate:

Officials and temporary agents	1 desk officer from DG MARE + HoU/deputy HoU + secretariat: overall estimate of 0.4 people/year Calculation of costs: 0.4 people/year x EUR 127 000/year = EUR 50 800 => 0.051 M EUR
External personnel	1 LA at a delegation (Mozambique), with responsibility for monitoring fishing authorisations submitted to/issued by the Mozambique authorities: overall estimate of 0.2 people/year Calculation of costs: 0.2 people/year x EUR 64 000/year = EUR 12 800 => 0.013 M EUR
Non-Heading 5 staff	1 CA fisheries attaché assigned to the Mauritius Delegation responsible for monitoring implementation of the sectoral support estimated overall at 0.25 people/year Calculation of costs: 0.25 people/year x EUR 64 000/year = EUR 16 000 => 0.016 M EUR

Calculation of total human resources per year: EUR 50 800 + EUR 12 800 + EUR 16 000 = EUR 79 600 => EUR 0.0796 million

Description of tasks to be carried out:

- Assisting the negotiator with preparing and concluding the negotiation of fisheries agreements:
 - taking part in negotiations with third countries to conclude fisheries agreements;
 - preparing draft evaluation reports and negotiation strategy notes for the Commissioner;
 - presenting and defending the Commission's position in the Council's 'External Fisheries' Working Party;
 - taking part in the search for a compromise with the Member States to be included in the final text of the Agreement.
- Monitoring the implementation of agreements:
 - daily monitoring of fisheries agreements;
 - preparing and checking the commitment and payment of the financial contribution and of any specific supplementary contributions;
 - regular reporting on the implementation of agreements;

- evaluating agreements: scientific and technical aspects;
- preparing the draft proposal for a Council Regulation and Decision and drafting the text of the Agreement;
- launching and monitoring adoption procedures.
- Technical assistance:
 - preparing the Commission's position for the Joint Committee.
- Interinstitutional relations:
 - representing the Commission before the Council, the European Parliament and the Member States in the negotiation process;
 - drafting replies to oral and written questions from the European Parliament.
- Interdepartmental consultation and coordination:
 - liaising with other Directorates-General on matters relating to the negotiation and monitoring of agreements;
 - organising and responding to interdepartmental consultations.
- Evaluation:
 - taking part in updating the impact assessment;
 - analysing the objectives achieved and evaluation indicators.

3.2.4. Compatibility with the current multiannual financial framework

- x Proposal/initiatives compatible with the current multiannual financial framework.
- ☐ Proposal/initiative will entail reprogramming of the relevant heading in the multiannual financial framework.

Explain what reprogramming is required, specifying the budget lines concerned and the corresponding amounts.

[...]

- ☐ Proposal/initiative requires application of the flexibility instrument or revision of the multiannual financial framework³².

Explain what is required, specifying the headings and budget lines concerned and the corresponding amounts.

[...]

3.2.5. Third-party contributions

- X The proposal/initiative does not provide for co-financing by third parties
- The proposal/initiative provides for the co-financing estimated below:

Appropriations in EUR million (to three decimal places)

	Year N	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)			Total
Specify the co-financing body/source								
TOTAL appropriations co-financed								

³² See points 19 and 24 of the Interinstitutional Agreement.

3.3. Estimated impact on revenue

- ☒ Proposal/initiative has no financial impact on revenue.
- ☐ Proposal/initiative has the following financial impact:
 - ☐ on own resources
 - ☐ on miscellaneous revenue

EUR million (to three decimal places)

Budget line: revenue	Appropriations available for the ongoing budget exercise	Impact of the proposal/initiative ³³						
		Year N	Year N+1	Year N+2	Year N+3	... insert as many columns as necessary in order to reflect the duration of the impact (see point 1.6)		
Article								

For miscellaneous ‘assigned’ revenue, specify the budget expenditure line(s) affected.

[...]

Specify the method for calculating the impact on revenue.

[...]

³³ As regards traditional own resources (customs duties, sugar levies), the amounts indicated must be net amounts, i.e. gross amounts after deduction of 25% for collection costs.