

Official Journal

of the European Communities

ISSN 0378 - 6978

L 98

Volume 30

10 April 1987

English edition

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II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 30 January 1987

concerning the Agreement between the European Economic Community and the United States of America for the conclusion of negotiations under GATT Article XXIV.6

(87/224/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the recommendation from the Commission,

Whereas, following the enlargement of the Community to include Spain and Portugal, negotiations took place with the United States under Article XXIV.6 of the General Agreement on Tariffs and Trade (GATT) in an attempt to find a solution to the trade dispute existing between the Community and the United States;

Whereas the said negotiations have culminated in an agreement which is subject to confirmation and it is in the Community's interest to approve it,

Article 1

The Agreement between the European Economic Community and the United States of America for the conclusion of negotiations under Article XXIV.6 of the GATT is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement in order to make it binding on the Community.

Done at Brussels, 30 January 1987.

For the Council
The President
L. TINDEMANS

AGREEMENT

for the conclusion of negotiations between the United States and the European Community under GATT Article XXIV.6

I. The United States and the European Community

- desiring to bring their GATT Article XXIV.6 negotiations to conclusion on the basis of a reasonable and mutually satisfactory compromise;
- recognizing that the differing interpretations which each party has placed on the provisions of Article XXIV.6 cannot be reconciled;
- recognizing on the other hand that the alternative of major transatlantic trade conflict is not in the interest of the continued close partnership in commercial and economic matters between the European Community and the United States, including the Uruguay Round of Multilateral Trade Negotiations in the GATT; and
- recognizing that the present Agreement is concluded without prejudice to the views of either party in respect of Article XXIV.6;

agree to the following provisions:

II. As regards the withdrawal of Spanish and Portuguese GATT concessions, the Community will implement the following dispositions:

- A. The GATT bindings of the Community of Ten as set out in Schedules LXXII and LXXII *bis* will be restored and extended to Spain and Portugal, in view of US recognition of the benefits which would result for certain US exports ⁽¹⁾. Improvements granted to third countries shall also be applied to the US. The duties applied in Spain and Portugal during the transitional period will be those set out in the Treaty of Accession.
- B. A reduction of present duty rates will be made on an autonomous basis on the products listed, and in the manner described, in Annex I.
- C. As regards corn and sorghum (other than for sowing) ⁽²⁾:
 - 1. The Community will ensure a minimum annual level of imports of two million metric tonnes of corn and of 300 000 metric tonnes of sorghum into Spain for consumption from non-EEC sources (MFN). To achieve this, reduced-levy quotas shall be applied in Spain and/or direct purchases on the world market shall be made under the Commission's authority. The detailed modalities are set out in Annex II.
 - 2. The commitment in 1 shall apply from 1 January 1987 to 31 December 1990. The quantity for 1987 shall be in addition to any EEC obligations remaining with respect to the interim agreement of 1 July 1986.
 - 3. In order to ensure that such imports of corn and sorghum into Spain are not diverted to other markets, appropriate measures will be taken.

III. The United States and the European Community also agree that:

- (i) Consultations will be held on this Agreement at any time at the request of either party.
- (ii) During July 1990, a major review of the situation resulting from paragraph II of this Agreement will be initiated. This review will take into account, *inter alia*:

⁽¹⁾ This commitment does not apply to fish products on which the EEC has not made an offer and which are subject to negotiations with other countries. The United States maintains its principal supplier and substantial interest rights under Article XXVIII for such products. The European Community recognizes that these matters have to be resolved through further negotiations.

⁽²⁾ NIMEXE codes 10.05-92 and 10.07-59

- (a) general trade developments, with particular reference to the evolution of US exports to Spain and Portugal;
- (b) agreements on agriculture reached in the Uruguay Round;
- (c) the status of implementation of the Treaty of Accession;

with the objective of determining at that time what new action, if any, might be appropriate.

- (iii) This Agreement is without prejudice to the legal interpretations of Article XXIV of either party and both parties reserve full GATT rights including those which would otherwise be time-limited.

IV. Upon approval of, and subject to, the above provisions, both parties declare that this Agreement constitutes a mutually satisfactory conclusion of this Article XXIV.6 negotiation.

ANNEX I

The European Community will, on an autonomous basis, reduce the present duty rates on the products listed below to the duty levels indicated during the period 1987 to 1990.

CCT heading No	Description	Present Duty	Offer
07.04 A	Dried, dehydrated or evaporated onions	16	Tariff quota of 12 000 tonnes at 10
08.01 D	Avocados	8	4 in the period 1 December to 31 May
12.03	Seeds for sowing:		
C	— of fodder plants	4-5	2-2,5
D	— flowers and kohlrabi	6	3
E	— vegetable seeds and other	7	4
20.06 A II	Nuts, roasted in packings of 1 kg or less	16	12
ex 20.07 A II	Apple juice (concentrate) ⁽¹⁾	42 + (L)	30 + (L)
ex 20.07 B I (NIMEXE codes ex 23, ex 24, 32, 33, 35)	Apple juice (other) ⁽¹⁾	24 + ADS	18 + ADS
ex 20.07 B II (NIMEXE codes 45, 75)	Grapefruit juice	25	18
ex 20.07 B II (NIMEXE codes 61, 93)	Cranberry juice	15 + ADS	12 + ADS
22.09 C III (a)	Bourbon	22	14
24.02 B	Cigars	Specific duty	Reduced by half ⁽²⁾
28.01 C	Bromine	52	43
ex 29.02 A III	Ethyl dibromide, and vinyl bromide	9	4,5
ex 29.07 A	Halogenated derivatives: Bromides	8,6	3
ex 29.08 A III C	Aromatic ethers: Bromides	6,9	3
ex 29.15 C III	Other aromatic polycarboxylic acids: Bromides and tetrabromides	7,1	3
ex 29.26 A II	Bistetra-bromophthalic amide	13	8
38.14 A	Anti-knock preparations based on tetraethyl — lead	7	3
ex 38.14 B III	Other anti-knock preparations	7,2	0
38.19 S I	Doped silicon	5,8	0
39.01 C VII: (NIMEXE 39.01-87)	code Epoxide resins as monofil, seamless tubes, rods, sticks, profile shapes, plates, sheets, film, foil or strip; waste and scrap	7,6	5
(NIMEXE 39.01-94)	code Polyether alcohols, except polyethylene glycols, liquid or pasty, in blocks, lumps, powder, granules, flakes and similar bulk forms	7,6	6,5

⁽¹⁾ Pear juice is not included. Mixtures of apple and pear juice are not included.

⁽²⁾ — In containers holding two litres or less — 0,20 ECU per hl per % volume of alcohol + 1,5 ECU per hl,
— in containers holding more than two litres — 0,20 ECU per hl per % volume of alcohol.

CCT heading No	Description	Present Duty	Offer
(NIMEXE code 39.01-96)	Condensation, polycondensation and polyaddition products NES, prepared for moulding or extruding	7,6	6,5
(NIMEXE code 39.01-98)	Condensation, polycondensation and polyaddition products NES, not prepared for moulding or extruding, liquid or pasty, in blocks, lumps, powders, granules, flakes and similar bulk forms	7,6	6,5
ex 44.15	Plywood of coniferous species	tariff quota 600 000 m ³	tariff quota 650 000 m ³
ex 76.03 (NIMEXE codes 22, 29, 32, 39)	Rectangular wrought plates, sheets and strip, of aluminium	10	7,5
ex 87.06 (NIMEXE code ex 41)	Wheels; parts of wheels and accessories for wheels: — of aluminium	6,9	6

ANNEX II

With reference to paragraph II C.1 of the Agreement for the Conclusion of Negotiations between the United States and the European Economic Community under GATT Article XXIV.6, the following modalities shall apply:

1. In order to ensure the minimum annual level of imports of two million metric tonnes of corn and 300 000 metric tonnes of sorghum into Spain, the EEC will establish as a general mechanism a system consisting of an import tender for a reduced levy for corn and for sorghum imports into Spain.
2. In order to guarantee the import of the total quantities negotiated, a back-up mechanism will be established, enabling direct purchases of corn and sorghum on world markets for Spain, under the control of the Commission. The Commission will proceed to such purchases on a regular basis if it proves necessary and following bilateral consultations where appropriate.
3. The Commission will ensure that the minimum annual import levels are fully met not later than two months after each calendar year concerned.
4. The quantities of the non-grain feed ingredients imported into Spain and listed below will be deducted proportionally from the global yearly quantities which have been negotiated for corn and for sorghum:

CCT heading No	Product description
23.03 A II	Corn gluten feed
23.03 B II	Brewing and distilling dregs and waste
23.06 A II	Citrus peels and pellets

Information concerning the Agreement on the conclusion of the negotiations under Article XXIV.6 of the GATT with the United States ⁽¹⁾

The Agreement between the Community and the United States on the conclusion of the negotiations under Article XXIV.6 of the GATT was signed in Washington and in Brussels on 30 January 1987 by Mr Clayton Yeutter on behalf of the Government of the United States and by Mr Willy De Clercq on behalf of the Council of the European Communities.

⁽¹⁾ See page 2 of this Official Journal.

COUNCIL DECISION

of 23 March 1987

concerning the conclusion of an Agreement in the form of an Exchange of Letters concerning the provisional application of the Agreement amending the Agreement between the European Economic Community and the Government of the Democratic Republic of Madagascar on fishing off the coast of Madagascar

(87/225/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Agreement between the European Economic Community and the Government of the Democratic Republic of Madagascar on fishing off the coast of Madagascar, signed at Antananarivo on 28 January 1986 ⁽¹⁾,

Having regard to the proposal from the Commission,

Whereas, pursuant to Article 5 of Protocol 1 to the abovementioned Agreement, the Community and the Democratic Republic of Madagascar conducted negotiations to determine the amendments to be made to the said Agreement;

Whereas, as a result of those negotiations, an Agreement amending the abovementioned Agreement was initialled on 28 November 1986; whereas, under that Agreement, fishermen from the enlarged Community have increased fishing opportunities open to them in the waters under the sovereignty or jurisdiction of Madagascar;

Whereas, in order to permit immediate use to be made of the new fishing possibilities open to vessels of the enlarged Community, the two parties also initialled an Exchange of Letters providing for the provisional application of the Agreement as from 28 November 1986; whereas it is

therefore imperative to approve this Exchange of Letters as soon as possible, pending the conclusion of the Agreement on the basis of Article 43 of the Treaty,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an Exchange of Letters concerning the provisional application of the Agreement amending the Agreement between the European Economic Community and the Government of the Democratic Republic of Madagascar on fishing off the coast of Madagascar is hereby approved on behalf of the Community.

The texts of the Agreement in the form of an Exchange of Letters and of the Agreement amending the fishing agreement are attached to this Decision.

Article 2

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement in the form of an Exchange of Letters referred to in Article 1 in order to bind the Community.

Done at Brussels, 23 March 1987.

For the Council
The President
H. DE CROO

⁽¹⁾ OJ No L 73, 18. 3. 1986, p. 25.

AGREEMENT

in the form of an Exchange of Letters concerning the provisional application of the Agreement amending the Agreement between the European Economic Community and the Government of the Democratic Republic of Madagascar on fishing off the coast of Madagascar, signed at Antananarivo on 28 January 1986

A. Letter from the Government of Madagascar

Sir,

With reference to the Agreement between the European Economic Community and the Government of the Democratic Republic of Madagascar, initialled on 28 November 1986, amending the Agreement on fishing off the coast of Madagascar, signed at Antananarivo on 28 January 1986, I have the honour to inform you that the Government of Madagascar is ready to apply this Agreement on a provisional basis, with effect from 28 November 1986, until its entry into force in accordance with Article 3 of the said Agreement, provided that the European Economic Community is disposed to do the same.

This is on the understanding that payment of the difference between the financial compensation paid for the first year of application of the Protocol and the first instalment of the financial compensation fixed by Article 1 (2) of the Agreement amending the Protocol is effected by 15 March 1987.

I should be obliged if you would confirm the European Economic Community's agreement to such provisional application.

Please accept, Sir, the assurance of my highest consideration.

*For the Government of
the Democratic Republic of Madagascar*

B. Letter from the European Economic Community

Sir,

I am in receipt of your letter of today's date, which reads as follows:

'With reference to the Agreement between the European Economic Community and the Government of the Democratic Republic of Madagascar, initialled on 28 November 1986, amending the Agreement on fishing off the coast of Madagascar, signed at Antananarivo on 28 January 1986, I have the honour to inform you that the Government of Madagascar is ready to apply this Agreement on a provisional basis, with effect from 28 November 1986, until its entry into force in accordance with Article 3 of the said Agreement, provided that the European Economic Community is disposed to do the same.

This is on the understanding that payment of the difference between the financial compensation paid for the first year of application of the Protocol and the first instalment of the financial compensation fixed by Article 1 (2) of the Agreement amending the Protocol is effected by 15 March 1987.

I should be obliged if you would confirm the European Economic Community's agreement to such provisional application.'

I have the honour to confirm the European Economic Community's agreement to such provisional application.

Please accept, Sir, the assurance of my highest consideration.

*On behalf of
the Council of the European Communities*

AGREEMENT

amending the Agreement between the European Economic Community and the Government of the Democratic Republic of Madagascar on fishing off the coast of Madagascar, signed at Antananarivo on 28 January 1986

Article 1

Protocol 1 annexed to the Agreement between the European Economic Community and the Government of the Democratic Republic of Madagascar on fishing off the coast of Madagascar is hereby amended as follows:

1. Article 1 is replaced by the following:

'Article 1

Pursuant to Article 2 of the Agreement and for the period of application of this Protocol, which is limited to three years, tuna-fishing licences in Madagascar's fishing zone shall be issued for 49 ocean-going freezer tuna boats, although the number of such vessels fishing simultaneously may not exceed 33. The relevant Community authorities shall communicate at regular intervals the list of vessels fishing under these rules.'

2. Article 2 is replaced by the following:

'Article 2

The amount of the contribution referred to in Article 7 of the Agreement shall be fixed at a flat-rate of at least 1 530 000 ECU for the duration of the Protocol, payable in three equal annual instalments. This amount shall cover the fishing referred to in Article 1 up to a catch weight in Madagascar's fishing zone of 10 200 tonnes of tuna fish per year; if the amount of tuna caught by

Community vessels in Madagascar's fishing zone exceeds this quantity, the abovementioned amount shall be increased accordingly; however, irrespective of the amount actually caught, the ceiling for financial compensation shall be fixed at three million ECU for the duration of the Protocol, and hence at one million ECU per year.'

Article 2

In the Annex to the Agreement between the European Economic Community and the Government of the Democratic Republic of Madagascar on fishing off the coast of Madagascar, point 2 (b) is replaced by the following:

- (b) The sum of 555 ECU shall be paid each year by owners for each tuna-boat to the Treasury of Madagascar as an advance on the fees.'

Article 3

This Agreement, drawn up in duplicate in the Danish, German, Greek, English, Spanish, French, Italian, Dutch, Portuguese and Malagasy languages, each of these texts being equally authentic, shall enter into force on the date of its signature.

It shall apply from 28 November 1986.

COUNCIL DECISION

of 23 March 1987

concerning the conclusion of an Agreement in the form of an Exchange of Letters concerning the provisional application of the Agreement between the European Economic Community and the Government of the People's Republic of Mozambique on fishing off the coast of Mozambique

(87/226/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Economic Community,

Article 1

The Agreement in the form of an Exchange of Letters concerning the provisional implementation of the Agreement between the European Economic Community and the Government of the People's Republic of Mozambique on fishing off the coast of Mozambique is hereby approved on behalf of the Community.

Having regard to the Act of Accession of Spain and Portugal, and in particular Articles 167 (3) and 354 (3) thereof,

The texts of the Agreement in the form of an Exchange of Letters and Agreement are attached to this Decision.

Having regard to the proposal from the Commission,

Article 2

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement in the form of an Exchange of Letters in order to bind the Community.

Whereas the Community and the People's Republic of Mozambique have negotiated and initialled an agreement on fisheries relations which guarantees fishing opportunities for fishermen of the enlarged Community in the waters over which Mozambique has sovereignty or jurisdiction;

Whereas, in order to maintain without interruption the fishing activities of the vessels of the enlarged Community, the two parties also initialled an Exchange of Letters providing for the provisional implementation of the said Agreement from 1 January 1987; whereas it is therefore imperative to approve this Exchange of Letters as soon as possible, pending the conclusion of the Agreement on the basis of Article 43 of the Treaty,

Done at Brussels, 23 March 1987.

For the Council
The President
H. DE CROO

AGREEMENT

in the form of an Exchange of Letters concerning the provisional application of the Agreement between the European Economic Community and the Government of the People's Republic of Mozambique on fishing off the coast of Mozambique, initialled in Brussels on 11 December 1986, for the period starting 1 January 1987

A. Letter from the Government of the People's Republic of Mozambique

Sir,

With reference to the Agreement between the European Economic Community and the Government of the People's Republic of Mozambique on fishing off the coast of Mozambique, initialled in Brussels on 11 December 1986, I have the honour to inform you that the Government of the People's Republic of Mozambique is ready to apply this Agreement on a provisional basis, with effect from 1 January 1987, until its entry into force in accordance with Article 16 of the said Agreement, provided that the European Economic Community is disposed to do the same.

This is on the understanding that payment of the first instalment equal to one-third of the financial compensation specified in the Agreement is to be effected by 31 March 1987.

I should be obliged if you would confirm the European Economic Community's agreement to such provisional application.

Please accept, Sir, the assurance of my highest consideration.

*For the Government
of the People's Republic of Mozambique*

B. Letter from the European Economic Community

Sir,

I am in receipt of your letter of today's date, which reads as follows:

'With reference to the Agreement between the European Economic Community and the Government of the People's Republic of Mozambique on fishing off the coast of Mozambique, initialled in Brussels on 11 December 1986, I have the honour to inform you that the Government of the People's Republic of Mozambique is ready to apply this Agreement on a provisional basis, with effect from 1 January 1987, until its entry into force in accordance with Article 16 of the said Agreement, provided that the European Economic Community is disposed to do the same.

This is on the understanding that payment of the first instalment equal to one-third of the financial compensation specified in the Agreement is to be effected by 31 March 1987.

I should be obliged if you would confirm the European Economic Community's agreement to such provisional application.'

I have the honour to confirm the European Economic Community's agreement to this provisional application of the Agreement.

Please accept, Sir, the assurance of my highest consideration.

*On behalf of
the Council of the European Communities*

AGREEMENT**between the European Economic Community and the Government of the People's Republic of Mozambique on fisheries relations**

THE EUROPEAN ECONOMIC COMMUNITY, hereinafter referred to as 'the Community', and

THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF MOZAMBIQUE, hereinafter referred to as 'Mozambique',

CONSIDERING the spirit of cooperation resulting from the Lomé Convention and the good cooperation relations which exist between the Community and Mozambique;

RECOGNIZING the importance of the rational conservation, management and exploitation of the marine resources;

RECALLING that, in particular in respect of sea fishing, Mozambique exercises its sovereignty or jurisdiction over a zone extending up to 200 nautical miles from its coast;

TAKING INTO ACCOUNT the signature by both Parties of the United Nations Convention on the Law of the Sea;

AFFIRMING that the exercise by coastal States of their sovereign rights in the waters within their jurisdiction for the purpose of exploring, exploiting, conserving and managing the living resources thereof must be in accordance with the principles of international law;

INSPIRED by the will to develop and intensify mutually advantageous cooperation in the field of fisheries;

DETERMINED to conduct their relations in a spirit of mutual trust and respect for each other's interests in the sphere of sea fishing;

DESIROUS of establishing the terms and conditions governing fishing activities of common interest to both parties,

HAVE AGREED AS FOLLOWS:

Article 1

The purpose of this Agreement is to establish the principles and rules which will in future govern, in all respect, the fisheries relations between the Community and Mozambique including fishing by vessels flying the flag of a Member State of the Community, hereinafter referred to as 'Community vessels', in the waters over which Mozambique has sovereignty or jurisdiction in respect of fisheries in accordance with the provisions of the United Nations Convention on the Law of the Sea and other rules of international law, hereinafter referred to as 'Mozambique's waters'.

Article 2

1. Mozambique shall permit fishing by Community vessels in Mozambique's waters in accordance with this Agreement.
2. The fishing activities under this Agreement shall be subject to the laws of Mozambique.

Article 3

1. The Community undertakes to take all appropriate steps to ensure that its vessels observe the provisions of this Agreement and the laws relating to fishing in Mozambique's waters consistent with the provisions of the United Nations Convention on the Law of the Sea and other rules of international law.
2. The authorities of Mozambique shall notify the Commission of the European Communities of any change to the said laws.
3. The measures taken by Mozambican authorities to regulate fisheries for the purpose of conservation shall be based on objective and scientific criteria and shall apply equally to Community and other third country vessels without prejudice to special arrangements between developing States within the same geographical area, including reciprocal fishing arrangements.

Article 4

1. Fishing activities by Community vessels in Mozambique's waters under the present Agreement shall be subject to possession of a fishing licence issued at the Community's request by the authorities of Mozambique.
2. The authorities of Mozambique will issue fishing licences within the limits laid down in the Protocol referred to in Article 8 of this Agreement.
3. Licences shall be valid in the zones defined in the Annex.
4. Licences shall be valid, at the request of the shipowner, for periods defined in the Annex.
5. A licence shall be issued for a given vessel and shall not be transferable.
6. At the request of the Community, a vessel's fishing licence may, and in the case of *force majeure* will, be replaced by a licence for another vessel of which the fishing capacity does not exceed that of the vessel to be replaced.

Article 5

1. Fishing licences shall be issued by the authorities of Mozambique subject to payment of a fee by the shipowner concerned.
2. The fee for a tuna-fishing licence shall be set per tonne of tuna caught in Mozambique's waters; the fee for shrimp trawlers shall be set according to the number of gross register tonnes admissible under the licences.
3. The amount of these fees and the methods of payment are set out in the Annex.

Article 6

The Parties undertake to consult each other, either directly or within international organizations, to ensure the management and conservation of the living resources in the Indian Ocean and to cooperate in the relevant scientific research.

Article 7

The vessels authorized to fish in Mozambique's waters in the framework of this Agreement are obliged to communicate to the competent services of Mozambique the statements of catch and other relevant information according to the modalities defined in the Annex.

Article 8

In return for the fishing opportunities granted under Article 2, the Community will pay, in accordance with the

conditions and arrangements stipulated in the Protocol annexed to this Agreement a financial contribution to Mozambique, without prejudice to the financing received by Mozambique under the Lomé Convention.

Article 9

1. The Parties agree to consult on questions relating to the implementation and proper functioning of this Agreement.
2. In the event of a dispute concerning the interpretation or application of this Agreement, such dispute shall be the subject of consultation between the Parties.

Article 10

1. With the aim of adopting practical measures for the application of the present Agreement, the Parties agree to constitute a Joint Committee. This Committee shall have the following competences:
 - to oversee the implementation, interpretation and proper functioning of the said Agreement,
 - to ensure the necessary liaison concerning matters of common interest,
 - to agree upon:
 - licence fees for vessels fishing for shrimps,
 - the quantitative limits for the species referred to in Articles 1 (1) and 1 (2) of the Protocol.
2. The Joint Committee will at least meet annually, preferably during the third quarter, alternatively in the People's Republic of Mozambique and the Community, or extraordinarily at the request of either Party, the date and location to be agreed.
3. The Parties shall consult at least 30 days in advance regarding the date and agenda for the Joint Committee meeting.

Article 11

Should the authorities of Mozambique decide, as a result of developments in the state of stocks, to take conservation measures which affect the activities of Community vessels, consultations shall be held between the Parties in order to adapt the Annex and the Protocol attached to this Agreement.

Such consultations will be based on the principle that any substantial reduction of the fishing rights provided for in the Protocol shall lead to an equivalent reduction of the financial compensation to be paid by the Community.

Article 12

Nothing in this Agreement shall affect or prejudice in any manner the view of either Party with respect to any matter relating to the Law of the Sea.

Article 13

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Economic Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of the People's Republic of Mozambique.

Article 14

The Annex and the Protocol shall form an integral part of this Agreement and a reference to this Agreement shall also constitute a reference to the Annex and Protocol.

Article 15

This Agreement shall be concluded for an initial period of five years from the date of its entry into force. Unless one of the Parties denounces it by giving notice to that effect six

months before the date of expiry of the five-year period, it shall remain in force for further periods of two years unless denounced by notice given at least three months before the date of expiry of each such two-year period.

At the end of the five-year period, and thereafter at the end of each two-year period, and at the end of the duration of the Protocol the Contracting Parties shall enter into negotiations to determine by common agreement what amendments or additions to the Annex or Protocol are required. In the event of a Contracting Party giving notice denouncing the Agreement, the Contracting Parties shall enter into negotiations.

Article 16

This Agreement, drawn up in duplicate in the Danish, Dutch, English, French, German, Greek, Italian, Portuguese and Spanish languages, each of these texts being equally authentic, shall enter into force on the date of its signature.

ANNEX

Conditions for the pursuit of fishing activities in Mozambique's waters by Community vessels

A. LICENCE APPLICATION AND ISSUING FORMALITIES

The procedure for applications for, and issue of, the licences enabling Community vessels to fish in Mozambique's waters shall be as follows:

The relevant Community authorities shall present to the Secretary of State for Fisheries of the People's Republic of Mozambique, via the Delegation of the Commission in Mozambique, an application for each vessel that wishes to fish under the Agreement:

- for shrimp vessels before 1 August of each year,
- for tuna vessels at least 30 days before the date of commencement of the period of validity requested.

The applications shall be made on the forms provided for that purpose by Mozambique, a specimen of which is annexed hereto.

The licences will be delivered to vessel owners or to their representatives. Licences must be held on board at all times.

I. Provisions applicable to shrimp vessels

(a) The licence fees are set as follows:

- 151 ECU/grt per year for vessels fishing exclusively for deep-water shrimps,
- 266 ECU/grt per year for vessels fishing for shallow-water and deep-water shrimps,

and have to be paid in four equal instalments on the first day of each quarter for the current year.

At the request of either Party, the licence fees may be reviewed by the Joint Committee referred to in Article 10 of the Agreement, namely in the event of a change in grt.

Licences are valid for a period of one year or until the quantitative limits fixed under Article 1 of the Protocol are exhausted. Vessels shall be required to put in at the port of Maputo for the issuing of the licence. This port shall be the base port for fishing activities where each fishing campaign shall start and finish. All crustaceans caught beyond the quantitative limits stated in Article 1 of the Protocol shall be the property of the Office of the Secretary of State for Fisheries and shall be delivered free of charge in the base port.

(b) All shrimp vessels authorized to fish under the Agreement in Mozambique's waters shall be obliged to forward to the Secretary of State for Fisheries at the end of each fishing campaign a daily catch report drawn up by the captain in accordance with the specimen annexed hereto.

Furthermore, each vessel has to present a monthly report to the Secretary of State for Fisheries containing the quantity caught during the month and the quantities on board on the last day of the month. This report shall be presented no later than the last day of the month following the month concerned. Should this provision not be adhered to, Mozambique reserves the right to suspend the licence of the offending vessel until the formality has been complied with.

(c) Each shrimp vessel fishing in Mozambican waters under the Agreement shall inform the radio station 'Radio Naval', on a daily basis, of its geographical position. Shipowners shall be notified of the call sign at the time of delivery of the fishing licence.

Shrimp vessels may not leave the Mozambican waters without the previous authorization of the Secretary of State of Fisheries and after control of the fish on board.

II. Provisions applicable to tuna vessels

(a) The fees shall be set at 20 ECU per tonne caught within Mozambique's waters.

- (b) Applications for licences for tuna vessels shall be issued following advance payment to Mozambique of a lump sum of 1 000 ECU a year for each tuna seiner, equivalent to the fees for 50 tonnes of tuna caught within Mozambique's waters per year. A provisional statement of the fees due for the fishing year shall be drawn up by the Commission of the European Communities at the end of each calendar year on the basis of the catch statements made by the shipowners and forwarded simultaneously to the Mozambican authorities and the Commission of the European Communities. The corresponding amount shall be paid by the shipowners to the Mozambican Treasury no later than 31 March of the following year. The final statement of the fees due in respect of a fishing year shall be drawn up jointly by the Commission of the European Communities and the Secretary of State for Fisheries of Mozambique, taking into account available scientific opinion, particularly of ORSTOM, the Spanish Institute of Oceanography (IEO) and the Institute of Fisheries Research (IIP), and any statistical data which can be gathered by an international fishing organization in the Indian Ocean. The shipowners shall be notified by the Commission of the European Communities of the statement and shall have 30 days in which to meet their financial obligations. If the amount of the sum due for actual fishing operations does not equal the advance payment, the corresponding outstanding sum shall not be recoverable by the shipowner.
- (c) Every three days during the fishing period in Mozambique's waters, the vessels shall communicate to the radio station at 'Radio Naval' their position and their catch. On entering and leaving Mozambique's waters, the vessels shall communicate to the radio station at 'Radio Naval' their position and the volume of the catches on board.

In addition, the captain shall complete a fishing log book, as annexed, for each fishing period in Mozambique's waters.

This form must be legible and be signed by the captain of the vessel and sent to the Secretary of State for Fisheries of the People's Republic of Mozambique via the Delegation of the Commission of the European Communities in Maputo as soon as possible after the fishing period within Mozambique's waters.

B. SIGNING ON OF SEAMEN

Shipowners who have been issued fishing licences may employ Mozambican nationals as fishermen.

The salary and social contribution shall be paid through a local agent designated by the Secretary of State for Fisheries of the People's Republic of Mozambique.

C. FISHING ZONES

- (a) The fishing zones accessible to shrimp vessels shall comprise all waters under the sovereignty or the jurisdiction of the People's Republic of Mozambique south of 10°30' S and north of 26°30' S and beyond the first 12 nautical miles measured from the base lines.
- (b) The fishing zones accessible to tuna vessels shall comprise all waters under the sovereignty or the jurisdiction of the People's Republic of Mozambique south of 10°30' S and north 26°30' S and outside the 200 m isobath.

D. INSPECTION AND MONITORING OF FISHING ACTIVITIES

Any Community vessel fishing in Mozambique's waters shall allow on board, and assist in the accomplishment of his duties, any official of Mozambique responsible for inspection and monitoring.

E. CHANGE OF GEAR

Changes in fishing gear shall be submitted to the Office of the Secretary of State for Fisheries for authorization.

F. IDENTIFICATION OF SHRIMP VESSELS

All shrimp vessels authorized under the Agreement to fish in Mozambique's waters shall be identifiable by means of a registration number and identification number given by the Secretary of State for Fisheries.

G. BY-CATCHES

By-catches in the shrimp fisheries shall be landed at the port of Maputo destined for supply to the internal market, at a price fixed by the Secretary of State for Fisheries.

H. CHEMICAL ADDITIVES

Shrimp vessels' shipowners are authorized to utilize only, for transformation purposes, those chemical additives authorized by Community legislation.

I. PROPERTY OF RARE SPECIES

All marine species for which preservation is justified due to rarity of the species or biological research and which are caught by a Community vessel authorized under the Agreement to fish in Mozambique's waters shall be the property of the Office of the Secretary of State for Fisheries and therefore shall be delivered as soon as possible, and in the best possible condition, to the Office of the Secretary of State for Fisheries at the port of Maputo free of charge.

J. TRANSHIPMENTS OF SHRIMPS

Transshipments, other than those between Community shrimp vessels, outside the base port are prohibited.

As far as transshipments which take place in the base port are concerned, they shall be authorized only under control by the Secretary of State for Fisheries.

K. TAKING ON BOARD OF OBSERVERS

(a) Each shrimp vessel shall take on board an observer designated by the the Secretary of State for Fisheries of the People's Republic of Mozambique. The observer shall be accorded the conditions enjoyed by officers of that vessel. The salary and the social contributions of the observer shall be borne by the Mozambican authorities. Observers shall enjoy all facilities necessary for the performance of their duties including permanent access to fishing and navigation log books as well as navigation and communications equipment.

(b) All Community vessels may be requested by the Mozambican authorities to take on board a biologist.

L. PROHIBITION OF FIREARMS

Firearms, including those intended for self-defence purposes, shall be forbidden on all vessels authorized to fish in Mozambique's zone.

M. PENALTIES

Infringements shall be penalized as follows:

- payment of a fine of up to 100 000 ECU depending on the seriousness of the infringements for non-compliance with the provisions laid down in the Annex,
- non-renewal of fishing licence for failure to supply statements of catch.

Penalties not paid may lead to temporary seizure of the vessel concerned or any other vessel belonging to the same shipowner as a warranty for payment and to confiscation of the vessel without prejudice to the right of the shipowner to appeal to the relevant court.

APPLICATION FOR A LICENCE TO FISH FOR SHRIMP IN THE WATERS OF MOZAMBIQUE

PART A

- 1. Name of owner:
- 2. Nationality of owner:
- 3. Business address of owner:
- 4. Fishing quota requested:
 - (a) deep-water shrimp (tonnes)
 - (b) shallow-water and deep-water shrimp (tonnes)
- 5. Chemical additives which may be used (Brand name and composition):

PART B

To be completed for each vessel

- 1. Period of validity:
- 2. Name of vessel:
- 3. Year of construction:
- 4. Original flag country
- 5. Currently flying the flag of:
- 6. Date of acquisition of current flag:
- 7. Year of acquisition:
- 8. Port and registration number:
- 9. Fishing method:
- 10. Gross registered tonnage:
- 11. Radio call sign:
- 12. Overall length (m):
- 13. Bow (m):
- 14. Depth (m):
- 15. Construction material of the hull:
- 16. Engine power (bhp):
- 17. Speed (knots):
- 18. Cabin capacity:
- 19. Capacity of fuel tanks (m³):
- 20. Capacity of fish holds (m³):
- 21. Colour of the hull:
- 22. Colour of the superstructure

23. Communication equipment on board:

Type	Brand	Power (Watt)	Year of construction	Frequencies	
				Reception	Transmission

24. Navigation and detection equipment installed

Type	Brand	Model	Range

25. Name of captain:

26. Nationality of captain:

To be annexed:

- three colour photographs of the vessel (side view),
- diagram and detailed description of fishing gear used,
- document giving proof of authority for the owner's representative to sign this application.

.....
(Date of application)

.....
(Signature of owner's representative)

APPLICATION FOR A LICENCE TO FISH FOR TUNA IN THE WATERS OF MOZAMBIQUE

PART A

- 1. Name of owner:
- 2. Nationality of owner:
- 3. Business address of owner:
.....
.....

PART B

To be completed for each vessel

- 1. Period of validity:
- 2. Name of vessel:
- 3. Year of construction:
- 4. Original flag country
- 5. Currently flying the flag of:
- 6. Date of acquisition of current flag:
- 7. Year of acquisition:
- 8. Port and registration number:
- 9. Fishing method:
- 10. Gross registered tonnage:
- 11. Radio call sign:
- 12. Overall length (m):
- 13. Bow (m):
- 14. Depth (m):
- 15. Construction material of the hull:
- 16. Engine power (bhp):
- 17. Speed (knots):
- 18. Cabin capacity:
- 19. Capacity of fuel tanks (m³):
- 20. Capacity of fish holds (m³):
- 21. Freezing capacity (tonnes/24 hours) and freezing system used:
.....
- 22. Colour of the hull:
- 23. Colour of the superstructure:

24. Communication equipment on board:

Type	Brand	Model	Power (Watt)	Year of construction	Frequencies	
					Reception	Transmission

25. Navigation and detection equipment installed

Type	Brand	Model

26. Auxiliary vessels used (for each vessel):

26.1. Gross registered tonnage:

26.2. Overall length (m):

26.3. Bow (m):

26.4. Depth (m):

26.5. Construction material of the hull:

26.6. Engine power (bhp):

26.7. Speed (knots):

27. Auxiliary aerial fish detection equipment (even if not based on board):

.....

28. Home port:

29. Name of captain:

30. Nationality of captain:

.....

To be annexed:

- three colour photographs of the vessel (side view) and of auxiliary fishing vessels and of auxiliary aerial equipment for fish detection,
- diagram and detailed description of fishing gear used,
- document giving proof of authority for the owner's representative to sign this application.

.....
(Date of application)

.....
(Signature of owner's representative)

FICHA DE CAPTURA DIÁRIA

Nome do Barco: Viagem Nº:
Assinatura da Capitão: Data: / /

NÚMERO DO ARRASTO		1	2	3	4	5	6	7	8	OBSERVAÇÕES
Posição do Arrasto	COORDENADAS									
	Quadrado									
Início do arrasto (horas)										
Fim do arrasto (horas)										
Duração do arrasto										
Profundidade (metros)										
Rumo do arrasto										
Velocidade (nós)										
Nome e tipo da arte de pesca										
Abertura da boca (metros)										
Temperatura da água	Superfície									
	Fundo									
Direcção e força do vento (nós)										
Estado do mar										
Deteção de camarão na sonda + (Sim) - (Não)										

CAPTURA DE CAMARÃO COSTEIRO

Nº de caixas de kg										TOTAL
BRANCO	(P. Indicus e P. Japonicus)									
TIGRE	(P. Monodon e P. Semisulcatus)									
CASTANHO	(M. Monoceros)									
TOTAL										
TOTAL DE CAMARÃO (COSTEIRO)										

NÚMERO DO ARRASTO		1	2	3	4	5	6	7	8	OBSERVAÇÕES
CAMARÃO	ROSA									
	(Hymenopenseus Triarthrus)									
Nº de caixas de kg										
OUTROS										
TOTAL										
TOTAL DE CAMARÃO (PROFUNDIDADE)										

TOTAL DE CAMARÃO (PROFUNDIDADE)

Lagosta (kg)										TOTAL
Lagostim (kg)										
Outros crustáceos (kg)										
Peixe (kg)	Congelado									
	Peixe de 1ª									
Carapau										
Tubarão e Raia										
Outros										
Devolvido ao Mar										
CHOCOS E LULAS (kg)										

PROTOCOL

establishing the fishing rights and contributions provided for in the Agreement between the European Economic Community and the Government of the People's Republic of Mozambique on fisheries relations

Article 1

From 1 January 1987, for a period of three years, the limits referred to in Article 2 of the Agreement shall be as follows:

1. Shrimp vessels fishing exclusively on deep-water shrimps: 1 100 grt per month on a yearly average.
2. Shrimp vessels fishing on shallow-water and deep-water shrimps: 3 700 grt per month on a yearly average.

The quantities to be fished by Community vessels in 1987 may not exceed 1 000 tonnes of deep-water shrimps and 1 500 tonnes of shallow-water shrimps. These quantitative limits will be reviewed, for each of the following years, by the Joint Committee referred to in Article 10 of the Agreement. Shrimp tails weight retained on board are converted into whole weight by applying the coefficient 1,67.

3. Pending the availability of more extensive knowledge in respect of tuna resources and without prejudice to future arrangements, 40 ocean-going freezer tuna boats are allowed to fish simultaneously.

Article 2

1. The financial compensation referred to in Article 8 of the Agreement for the period referred to in Article 1 of this Protocol, is fixed at 6 900 000 ECU, payable in three annual instalments.
2. If during the period of application of this Protocol the amount of tuna caught by Community vessels in Mozambican waters exceeds 18 000 tonnes, the financial compensation will be increased by 50 ECU per tonne caught above this quantitative limit.
3. The use to which this compensation is put shall be the competence solely of Mozambique.

4. The compensation shall be paid into an account opened at a financial institution or any other body designated by Mozambique.

Article 3

In the event of an increase in the availability of fishing possibilities then at the request of the Community the vessels' limits referred to in Article 1 (1) and 1 (2) may be increased. In this case, the financial compensation referred to in Article 2 shall be increased proportionally *pro rata temporis*.

Article 4

1. The Community shall also contribute during the period referred to in Article 1 six hundred thousand (600 000) ECU towards the financing of Mozambican scientific and technical programmes (e.g. equipment and infrastructure) to improve information on the fishery resources within the waters of Mozambique.

At the request of Mozambique, part of the amount not exceeding 60 000 ECU may be used to finance the expenses of participation in international conferences, not necessarily related to the said scientific programme, destined to improve the knowledge of fisheries resources.

2. The competent Mozambican authorities shall send to the Commission a brief report on the utilization of the funds.
3. The Community's contribution to the scientific and technical programmes shall be paid into an account specified on each occasion by the Office of the Secretary of State for Fisheries.

Article 5

Should the Community fail to make the payments provided for in this Protocol, the Agreement on fishing may be suspended.