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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 2406/96

of 26 November 1996

laying down common marketing standards for certain fishery products

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organization of the market in fishery and aquaculture products ⁽¹⁾, and in particular Article 2 (3) thereof,

Having regard to the proposal from the Commission,

Whereas common marketing standards were laid down for certain species of fish by Regulation (EEC) No 103/76 ⁽²⁾ and for certain species of crustaceans by Regulation (EEC) No 104/86 ⁽³⁾; whereas far-reaching new amendments must now be made to these Regulations in order to reflect market developments and changes in trade practices; whereas it is therefore necessary to revise these provisions entirely, in a single legal instrument, to ensure that they are clear and can be properly applied; whereas Regulations (EEC) No 103/76 and (EEC) No 104/76 should consequently be replaced;

Whereas the principal aims of the common marketing standards for fishery products are to improve products quality and thus make marketing easier to the benefit of both producers and consumers; whereas, since fishery products are unprocessed and are marketed fresh or chilled, their quality is determined largely by their

freshness, which is assessed on the basis of objective criteria by organoleptic examination; whereas, if batches of fishery products are to be uniformly fresh, they must consist of products of the same species, and may come from the same fishing grounds and the same vessel only;

Whereas a small but adequate number of freshness categories should be established based on appropriate ratings for individual products groups; whereas, however, in view of the need to support quality products, at the latest as from 1 January 2000, not all freshness categories should be permitted to qualify for the intervention mechanisms introduced as part of the market organization arrangements;

Whereas the common marketing standards are also aimed at defining uniform trade characteristics for the products in question across the entire Community market in order to prevent distortions of competition and, secondly, to enable the market organization price arrangements to be applied uniformly; whereas, to that end, there should be a requirement that fishery products be graded on the basis of size categories determined according to weight or, in some individual cases, according to size;

Whereas the common marketing standards apply when all the products concerned, of Community origin or from third countries, intended for human consumption, are being sold for the first time on Community territory; whereas the standards apply without prejudice to health rules or rules adopted as part of stock conservation measures; whereas it is especially important to recall the primary importance, in all circumstances, of any minimum biological sizes in force, as against the minimum sizes determined for fishery products by the common marketing standards;

Whereas the application of the common marketing standards to products coming from third countries means that additional information must be shown on packaging;

⁽¹⁾ OJ No L 388, 31. 12. 1992, p. 1. Regulation as last amended by Regulation (EC) No 3318/94 (OJ No L 350, 31. 12. 1994, p. 15).

⁽²⁾ OJ No L 20, 28. 1. 1976, p. 9. Regulation as last amended by Regulation (EEC) No 1935/93 (OJ No L 176, 20. 7. 1993, p. 1).

⁽³⁾ OJ No L 20, 28. 1. 1976, p. 35. Regulation as last amended by Regulation (EC) No 1300/93 (OJ No L 126, 9. 6. 1995, p. 3).

whereas this information need not be shown, however, where the products are brought into the Community by vessels flying the flag of a third country under the same conditions as Community catches;

Whereas, in view of normal practice in most Member States, it is advisable that the industry should grade fishery products for freshness and size; whereas, with a view in particular to assessing freshness on the basis of organoleptic criteria, provision should be made for the collaboration of experts appointed for this purpose by the trade organizations concerned;

Whereas, in order to keep each other informed, each Member State should supply the other Member States and the Commission with a list of the names and addresses of the experts and trade organizations concerned,

HAS ADOPTED THIS REGULATION:

A. General provisions

Article 1

1. This Regulation lays down, for certain fishery products, common marketing standards as provided for in Article 2 of Regulation (EEC) No 3759/92, hereinafter called the 'basic Regulation'.

2. For the purpose of this Regulation:

- (a) 'marketing' shall mean the first offer for sale and/or the first sale, on Community territory, for human consumption;
- (b) 'lot' shall mean a quantity of fishery products of a given species which has been subjected to the same treatment and may have come from the same fishing grounds and the same vessel;
- (c) 'fishing grounds' shall be interpreted as the customary name given by the fishing industry to the place in which catches have been taken;
- (d) 'presentation' shall mean the form in which the fish is marketed, such as whole, gutted, headless, etc.;
- (e) 'visible parasite' shall mean a parasite or a group of parasites which has dimension, colour or texture which is clearly distinguishable from fish tissues and can be seen without optical means of magnifying and under good light conditions for human vision.

- 3. (a) The provisions of this Regulation relating to the freshness categories for fishery products shall apply without prejudice to the requirements of Council Directive 91/493/EEC of 22 July 1991

laying down the health conditions for the production and the placing on the market of fishery products ⁽¹⁾.

- (b) Pending the adoption of a Commission Decision under Directive 91/493, the criteria for fish which is unfit for human consumption are set out in the 'not admitted' category in Annex I to this Regulation:

Article 2

1. Fishery products, as specified in Article 3, of Community origin or from third countries, may be marketed only if they meet the requirements of this Regulation.

2. This Regulation shall not, however, apply to small quantities of products disposed of directly to retailers or consumers by inshore fishermen.

3. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 32 of the basic Regulation.

Article 3

1. Common marketing standards are hereby laid down for the following products:

- (a) Saltwater fish falling under CN code 0302:
 - plaice (*Pleuronectes platessa*),
 - albacore or longfinned tuna (*Thunnus alalunga*),
 - bluefin tuna (*Thunnus thynnus*),
 - bigeye tuna (*Thunnus* or *Parathunnus obesus*),
 - herring of the species *Clupea harengus*,
 - cod of the species *Gadus Morhua*,
 - sardine of the species *Sardina pilchardus*,
 - haddock (*Melanogrammus aeglefinus*),
 - saithe (*Pollachius virens*),
 - pollack (*Pollachius pollachius*),
 - mackerel of the species *Scomber scombrus*,
 - mackerel of the species *Scomber japonicus*,
 - horse mackerel (*Trachurus* spp.),
 - dogfish (*Squalus acanthias* and *Scyliorhinus* spp.),
 - redfish (*Sebastes* spp.),
 - whiting (*Merlangius merlangus*),
 - blue whiting (*Micromestistius poutassou* or *Gadus poutassou*),

(1) OJ No L 268, 24. 9. 1991, p. 15. Directive as last amended by Directive 96/23/EC (OJ No L 125, 23. 5. 1996, p. 10).

- ling (*Molva* spp.),
 - anchovy (*Engraulis* spp.),
 - hake of the species *Merluccius merluccius*,
 - megrim (*Lepidorhombus* spp.),
 - Ray's bream (*Brama* spp.),
 - anglerfish (*Lophius* spp.),
 - dab (*Limanda limanda*),
 - lemon sole (*Microstomus kitt*),
 - pouting (*Trisopterus luscus*), and poor cod/Mediterranean cod (*Trisopterus minutus*),
 - bogue (*Boops boops*)
 - picarel (*Maena smaris*),
 - conger (*Conger conger*),
 - gurnard (*Trigla* spp.),
 - mullet (*Mugil* spp.),
 - skate (*Raja* spp.),
 - Common flounder (*Platichthys flesus*),
 - sole (*Solea* spp.),
 - scabbardfish (*Lepidopus caudatus* and *Aphanopus carbo*);
- (b) Crustaceans falling under CN code 0306 whether presented live, fresh or chilled, or cooked by steaming or by boiling in water:
- shrimps (*Crangon crangon*) and pandalid shrimps (*Pandalus borealis*),
 - edible crabs (*Cancer pagurus*),
 - norway lobsters (*Nephrops norvegicus*);
- (c) Cephalopods falling under CN code 0307:
- cuttlefish (*Sepia officinalis* and *Rossia macrosoma*).

2. The marketing standards referred to in paragraph 1 shall comprise:

- (a) freshness categories; and
- (b) size categories.

B. Freshness categories

Article 4

1. The freshness category of each lot shall be determined on the basis of the freshness of the product and a number of additional requirements.

Freshness shall be defined by reference to the special ratings for different types of products set out in Annex I.

2. On the basis of the ratings referred to in paragraph 1, products as specified in Article 3 shall be classified by lot in one of the following freshness categories:

- (a) Extra, A or B in the case of fish, selachii, cephalopods and Norway lobsters;
- (b) Extra or A in the case of shrimps.

However, live Norway lobsters shall be classified in category E.

3. Crab as specified in Article 3 shall not be subject to specific freshness standards.

However, only whole crabs, excluding berried females or soft-shelled crabs, may be marketed.

Article 5

1. Each lot must contain products of the same degree of freshness. A small lot need not, however, be of uniform freshness; if it is not, the lot shall be placed in the lowest freshness category represented therein.

2. The freshness category must be clearly and indelibly marked, in characters which are at least 5 cm high, on labels affixed to the lot.

Article 6

1. Fish, selachii, cephalopods and Norway lobster as specified in Article 3 placed by lot in category B shall be ineligible, insofar as that lot is concerned, for the financial assistance granted in respect of withdrawal as provided for in Articles 12, 12 (a), 14 and 15 of the basic Regulation.

2. Fish, selachii, cephalopods and Norway lobster in freshness category Extra must be free of pressure marks, injuries, blemishes and bad discolouration.

3. Fish, selachii, cephalopods and Norway lobster in freshness category A must be free of blemishes and bad discolouration. A very small proportion with slight pressure marks and superficial injuries shall be tolerated.

4. For fish, selachii, cephalopods and Norway lobster in freshness category B, a small proportion with more serious pressure marks and superficial injuries shall be tolerated. Fish must be free of blemishes and bad discolouration.

5. When products are being classified by freshness category, without prejudice to the health rules applicable, the presence of visible parasites and their possible effect on the quality of the product shall also be taken into consideration, allowance being made for the type of product and its presentation.

6. Detailed rules for the application of this Article shall be adopted, where necessary, in accordance with the procedure laid down in Article 32 of the basic Regulation.

C. Size categories

Article 7

1. Products as specified in Article 3 shall be sized by weight or by number per kilogram. Shrimps and crabs, however, shall be graded in size categories by width of shell.

2. The minimum sizes established by this Regulation, in accordance with the scale set out in Annex II, shall apply without prejudice to the minimum lengths required under:

- Council Regulation (EEC) No 1866/86 of 12 June 1986 laying down certain technical measures for the conservation of fishery resources in the waters of the Baltic Sea, the Belts and the Sound ⁽¹⁾,
- Council Regulation (EEC) No 3094/86 of 7 October 1986 laying down certain technical measures for the conservation of fishery resources ⁽²⁾,
- Council Regulation (EEC) No 1626/94 of 27 June 1994 laying down certain technical measures for the conservation of fishery resources in the Mediterranean ⁽³⁾.

For the purposes of control by the competent authorities, the species covered by marketing standards shall respect the minimum biological sizes as laid down and which are set out in Annex II.

Article 8

1. Lots shall be placed in size categories in accordance with the scale set out in Annex II.

2. Each lot must contain products of the same size. A small lot need not, however, be of uniform size; if it is not of uniform size, the lot shall be placed in the lowest size category represented therein.

3. The size category and presentation must be clearly and indelibly marked, in characters which are at least 5 cm high, on labels affixed to the lot.

The net weight in kilograms shall be clearly and legibly marked on each lot. Where lots are put up for sale in standard boxes, the net weight need not be shown if the

⁽¹⁾ OJ No L 162, 18. 6. 1986, p. 1. Regulation as last amended by Regulation (EC) No 1821/96 (OJ No L 241, 21. 9. 1996, p. 8).

⁽²⁾ OJ No L 288, 11. 10. 1986, p. 1. Regulation as last amended by Regulation (EC) No 3071/95, 22. 12. 1995 (OJ No L 329, 30. 12. 1995, p. 14).

⁽³⁾ OJ No L 171, 6. 7. 1994, p. 1. Regulation as amended by Regulation (EC) No 1075/96 (OJ No L 142, 15. 6. 1996, p. 1).

contents of the box are shown, when weighed before being put up for sale, to correspond to the presumed contents expressed in kilograms.

4. Detailed rules for the application of this Article, in particular as regards the method of weighing and the determination of a variation in the net weight, above or below that marked or presumed, permitted for each lot, shall be adopted in accordance with the procedure laid down in Article 32 of the basic Regulation.

Article 9

Pelagic species may be graded in the different categories of freshness and size on the basis of a system of sampling. This system must ensure that the freshness and size of the products contained in the lot are as uniform as possible.

Detailed rules for the application of this Article, in particular for determining the number of samples to be taken, the weight or volume of fish in each sample, and the methods for assessing the grading and verifying the weight of lots offered for sale shall be adopted in accordance with the procedure laid down in Article 32 of the basic Regulation.

Article 10

In order to ensure local or regional supplies of shrimps and crabs for certain coastal zones of the Community, exemptions from the minimum sizes specified for these products in Annex II may be adopted.

The zones in question shall be determined and the corresponding marketing sizes adopted in accordance with procedure laid down in Article 32 of the basic Regulation.

D. Products from third countries

Article 11

1. Without prejudice to Article 2 (1), products as specified in Article 3 imported from third countries may be marketed only if they are presented in packages on which the following information is clearly and legibly marked:

- country of origin, printed in Roman letters at least 20 mm high,
- scientific name of product and its trade name,
- presentation,
- freshness and size categories,
- net weight in kilograms of products in the package,
- date of grading and date of dispatch,
- name and address of consignor.

2. However, products as specified in Article 3 landed in a Community port direct from the fishing grounds from vessels flying the flag of a third country, and intended for marketing, shall be subject to the same provisions as those applicable to Community catches, without prejudice to Regulation (EC) No 1093/94 ⁽¹⁾.

E. Final provisions

Article 12

1. The fishing industry shall grade fishery products for freshness categories Extra, A and B and size in collaboration with experts designated for that purpose by the trade organizations concerned. Member States shall carry out controls to ensure compliance with the provisions of this Article.

2. Should the grading not be carried out according to the procedure provided for in paragraph 1, the competent national authorities may undertake this grading themselves.

Article 13

Each Member State shall provide the other Member States and the Commission, not later than one month

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

Done at Brussels, 26 November 1996.

before this Regulation enters into force, with a list of the names and addresses of the experts and trade organizations referred to in Article 12. The other Member States and the Commission shall be informed of any amendments to the list.

Article 14

Before 31 December 2001, the Commission shall submit to the Council a report on the results of the application of Article 6 (1) of this Regulation, accompanied, if need be, by appropriate proposals.

Article 15

Regulations (EEC) No 103/76 and (EEC) No 104/76 are hereby repealed. References to those Regulations shall be understood to apply to this Regulation.

Article 16

1. This Regulation shall enter into force on 1 January 1997.

2. Notwithstanding paragraph 1, the provisions of Article 6 (1) shall apply as from 1 January 2000.

For the Council

The President

E. KENNY

⁽¹⁾ OJ No L 121, 12. 5. 1994, p. 3.

ANNEX I

FRESHNESS RATINGS

The ratings established in this Annex apply to the following products or groups of products, by reference to appraisal criteria specific to each of them.

A. Whitefish

Haddock, cod, saithe, pollack, redfish, whiting, ling, hake, Ray's bream, anglerfish, pouting and poor cod, bogue, picarel, conger, gurnard, mullet, plaice, megrim, sole, dab, lemon sole, flounder, scabbard fish.

B. Bluefish

Albacore or longfinned tuna, bluefin tuna, bigeye tuna, blue whiting, herring, sardines, mackerel, horse mackerel, anchovy.

C. Selachii

Dogfish, skate.

D. Cephalopods

Cuttlefish.

E. Crustaceans

1. Shrimps,
2. Norway lobster.

A. WHITEFISH

	Criteria			
	Freshness category			Not admitted ⁽¹⁾
	Extra	A	B	
Skin	Bright, iridescent pigment (save for redfish) or opalescent; no discolouration	Pigmentation bright but not lustrous	Pigmentation in the process of becoming discoloured and dull	Dull pigmentation ⁽²⁾
Skin mucus	Aqueous, transparent	Slightly cloudy	Milky	Yellowish grey, opaque mucus
Eye	Convex (bulging); black, bright pupil; transparent cornea	Convex and slightly sunken; black dull pupil; slightly opalescent cornea	Flat; opalescent cornea; opaque pupil	Concave in the centre; grey pupil; milky cornea ⁽²⁾
Gills	Bright colour; no mucus	Less coloured; transparent mucus	Brown/grey becoming discoloured; thick, opaque mucus	Yellowish; milky mucus ⁽²⁾
Peritoneum (in gutted fish)	Smooth; bright; difficult to detach from flesh	Slightly dull; can be detached from flesh	Speckled; comes away easily from flesh	Does not stick ⁽²⁾

	Criteria			
	Freshness category			Not admitted ⁽¹⁾
	Extra	A	B	
Smell of gills and abdominal cavity — whitefish other than plaice — plaice	Seaweedy Fresh oily; peppery; earthy smell	No smell of seaweed; neutral smell Oily; seaweedy or slightly sweetish	Fermented; slightly sour Oily; fermented; stale, slightly rancid	(²) Sour Sour
Flesh	Firm and elastic; smooth surface ⁽³⁾	Less elastic	Slightly soft (flaccid), less elastic; waxy (velvety) and dull surface	Soft (flaccid) ⁽²⁾ ; scales easily detached from skin, surface rather wrinkled

Extra criteria for headed anglerfish

Blood vessels (ventral muscles)	Sharp outline and bright red	Sharp outline; darkening of the blood	Diffuse and brown	Totally ⁽²⁾ diffuse, brown and yellowing of the flesh
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(¹) This column will apply only until a Commission Decision is taken establishing criteria for fish which is unfit for human consumption, pursuant to Council Directive 91/493/EEC.

(²) Or in a more advanced state of decay.

(³) Fresh fish prior to the onset of rigor mortis will not be firm and elastic but will still be graded in category Extra.

B. BLUEFISH

	Criteria			
	Freshness category			Not admitted ⁽¹⁾
	Extra	A	B	
Skin ⁽²⁾	Bright pigmentation, bright, shining iridescent colours; clear distinction between dorsal and central surfaces	Loss of lustre and shine; duller colours; less difference between dorsal and ventral surfaces	Dull, lustreless, insipid colours; skin creased when fish curved	Very dull pigmentation; skin coming away from flesh ⁽³⁾
Skin mucus	Aqueous, transparent	Slightly cloudy	Milky	Yellowish grey, opaque mucus ⁽³⁾
Consistency of flesh ⁽²⁾	Very firm, rigid	Fairly rigid, firm	Slightly soft	Soft (flaccid) ⁽³⁾
Gill covers	Silvery	Silvery, slightly red or brown	Brownish and extensive seepage of blood from vessels	Yellowish ⁽³⁾
Eye	Convex, bulging; blue-black bright pupil, transparent 'eyelid'	Convex and slightly sunken; dark pupil; slightly opalescent cornea	Flat; blurred pupil; blood seepage around the eye	Concave in the centre; grey pupil; milky cornea ⁽³⁾

	Criteria			
	Freshness category			Not admitted ⁽¹⁾
	Extra	A	B	
Gills ⁽²⁾	Uniformly dark red to purple. No mucus	Less bright colour, paler at edges. Transparent mucus	Becoming thick discoloured opaque mucus	Yellowish; milky mucus ⁽³⁾
Smell of gills	Fresh seaweed; pungent; iodine	No smell or seaweed. Neutral smell	Slightly sulphureous ⁽⁴⁾ fatty smell, rancid bacon cuttings or rotten fruit	Rotten sour ⁽³⁾

⁽¹⁾ This column will apply only until a Commission Decision is taken establishing criteria for fish which is unfit for human consumption, pursuant to Council Directive 91/493/EEC.

⁽²⁾ For herring and mackerel preserved in cool seawater (either chilled by ice (CSW) or refrigerated by mechanical means (RSW)) complying with the requirements laid down in Directive 92/48/EEC (OJ No L 187, 7. 7. 1992, p. 41) Annex II, point 8, the following freshness categories apply:
— criterion A applies for Extra and A categories.

⁽³⁾ Or in a more advanced state of decay.

⁽⁴⁾ Iced fish goes rancid before stale, CSW/RSW fish goes stale before rancid.

C. SELACHII

	Criteria			
	Freshness category			Not admitted ⁽¹⁾
	Extra	A	B	
Eye	Convex, very bright and iridescent; small pupils	Convex and slightly sunken; loss of brightness and iridescence, oval pupils	Flat, dull	Concave yellowish ⁽²⁾
Appearance	In rigor mortis or partially in rigor; small quantity of clear mucus present on skin	Beyond rigor stage; no mucus on skin and especially in mouth and gill openings	Some mucus in mouth and on gill openings; slightly flattened jaw	Large quantities of mucus in mouth and on gill openings ⁽²⁾
Smell	Seaweed smell	No smell or very slight stale but not an ammonia smell	Slight ammonia; sour	Pungent ammonia smell ⁽²⁾

Specific or additional criteria for skate

	Extra	A	B	Not admitted
Skin	Bright, iridescent and shiny pigmentation, aqueous mucus	Bright pigmentation, aqueous mucus	Pigmentation in the process of becoming discoloured and dull, opaque mucus	Discolouration, skin creased, thick mucus
Texture of the flesh	Firm and elastic	Firm	Soft	Flaccid
Aspect	Edge of the fins translucent and curved	Stiff fins	Soft	Drooping
Belly	White and shiny with a mauvish edge around the fins	White and shiny with red patches limited to around the fins	White and dull, with numerous red or yellow patches	Yellow to greenish bellies red patches in the flesh itself

⁽¹⁾ This column will apply only until a Commission Decision is taken establishing criteria for fish which is unfit for human consumption, pursuant to Council Directive 91/493/EEC.

⁽²⁾ Or in a more advanced state of decay.

D. CEPHALOPODS

	Criteria		
	Freshness category		
	Extra	A	B
Skin	Bright pigmentation, skin sticks to flesh	Dull pigmentation; skin sticks to flesh	Discoloured; easily detached from flesh
Flesh	Very firm; pearly white	Firm; chalky white	Slightly soft; pinky white or slightly yellowing
Tentacles	Resistant to removal	Resistant to removal	More easily removed
Smell	Fresh; seaweed	Slightly or no smell	Ink smell

E. CRUSTACEANS

1. Shrimps

	Criteria	
	Freshness category	
	Extra	A
Minimum requirements	<ul style="list-style-type: none"> — Surface of shell: moist and shiny — Shrimps must fall out separately when transferred from one container to another — Flesh must be free from any foreign odour — Shrimps must be free from sand, mucus and other foreign bodies 	The same as for Extra category
Appearance of:		
1. shrimp with shell	Clear reddish-pink in colour with small white flecks; pectoral part of shell predominantly light in colour	<ul style="list-style-type: none"> — Ranging in colour from slightly washed-out reddish-pink to bluish-red with white flecks; pectoral part of shell should be light coloured tending towards grey
2. deep-water prawn	Uniformly pink	<ul style="list-style-type: none"> — Pink with possibility of start of blackening of head
Condition of flesh during and after shelling	<ul style="list-style-type: none"> — Shells easily with only technically unavoidable losses of flesh — Firm but not tough 	<ul style="list-style-type: none"> — Shells less easily with small losses of flesh — Less firm, slightly tough
Fragments	Occasional fragments of shrimp allowed	Small quantity of fragments of shrimp allowed
Smell	Fresh seaweed, slightly sweet smell	Acidulous; no smell of seaweed

2. Norway lobster

	Criteria		
	Freshness category		
	Extra	A	B
Shell	Pale pink or pink to orange-red	Pale pink or pink to orange-red; no black spots	Slight discoloration; some black spots and greyish colour, particularly on shell and between tail segments
Eye and gills	Shiny black eyes; pink gills	Eyes dull and grey/black; gills greyish	Gills dark grey or some greenish colour on dorsal surface of shell
Smell	Characteristic mild shellfish smell	Loss of characteristic shellfish smell. No ammonia smell	Slightly sour
Flesh (tail)	Translucent and blue in colour tending towards white	No longer translucent but not discoloured	Opaque and dull in appearance

ANNEX II

SIZE CATEGORIES

Scale of weights				Minimum sizes to be observed in the conditions laid down in the Regulations referred to in Article 7			
Species	Size	Kg/fish ⁽¹⁾	Number of fish/kg ⁽²⁾	Region	Geographical area	Minimum size	
Herring (<i>Clupea harengus</i>)	1	0,25 and over	4 or less	1	ICES Vb (EC zone) (a) (b)	20 cm	
	2	0,125 to 0,25	5 to 8	2		20 cm	
	3	0,085 to 0,125	9 to 11	3		18 cm	
	4	0,05 to 0,085	12 to 20			20 cm	
Baltic herring caught and landed, north of 59°30'N	5	0,031 to 0,085	12 to 32				
Sardines (<i>Sardina pilchardus</i>)	1	0,067 and over	15 or less			not yet fixed	
	2	0,042 to 0,067	16 to 24				
	3	a 0,028 to 0,042	25 to 35				
	4	0,015 to 0,028	36 to 67				
Mediterranean		0,011 to 0,028	36 to 91				
Spotted dogfish (<i>Scylliorhinus</i> spp.)	1	2 and over	—			—	
	2	1 to 2					
	3	0,5 to 1					
Piked dogfish (<i>Squalus acanthias</i>)	1	2,2 and over	—			—	
	2	1 to 2,2					
	3	0,5 to 1					
Redfish (<i>Sebastes</i> spp.)	1	2 and over	—			—	
	2	0,6 to 2					
	3	0,35 to 0,6					
Cod (<i>Gadus morhua</i>)	1	7 and over	—	1		35 cm	
	2	4 to 7		2		(a)	35 cm
	3	2 to 4		3 Baltic		(b)	30 cm
	4	1 to 2				35 cm	
	5	0,3 to 1				35 cm	
Saithe (<i>Pollachius virens</i>)	1	5 and over	—	1		35 cm	
	2	3 to 5		2		(a)	35 cm
	3	1,5 to 3		3 Baltic		(b)	30 cm
	4	0,3 to 1,5				35 cm	
					South of 59°30'N	30 cm	
Haddock (<i>Melanogrammus aeglefinus</i>)	1	1 and over	—	1	ICES Vb (EC zone) (a) (b)	30 cm	
	2	0,57 to 1		2		30 cm	
	3	0,37 to 0,57		3		(b)	27 cm
	4	0,17 to 0,37				30 cm	
Whiting (<i>Merlangius merlangus</i>)	1	0,5 and over	—	1		27 cm	
	2	0,35 to 0,5		2		(a)	23 cm
	3	0,25 to 0,35		3		(b)	23 cm
	4	0,11 to 0,25				23 cm	
Ling (<i>Molva</i> spp.)	1	5 and over	—	1		—	
	2	3 to 5		2		(a)	not yet fixed
	3	1,2 to 3		3		(b)	— 63 cm

Scale of weights				Minimum sizes to be observed in the conditions laid down in the Regulations referred to in Article 7		
Species	Size	Kg/fish ⁽¹⁾	Number of fish/kg ⁽²⁾	Region	Geographical area	Minimum size
Mackerel of the species <i>Scomber scombrus</i> Mediterranean	1	0,5 and over	50 or less	1	Except North Sea North Sea	20 cm
	2	0,2 to 0,5	51 to 125	2		20 cm
	3	0,1 to 0,2	126 to 250	3	Mediterranean	30 cm
		0,08 to 0,2	126 to 325	5		20 cm
						18 cm
Mackerel of the species <i>Scomber japonicus</i>	1	0,5 and over	—			—
	2	0,25 to 0,5				
	3	0,14 to 0,25				
	4	0,05 to 0,14				
Anchovy (<i>Engraulis</i> spp.)	1	0,033 and over	30 or less	3	except ICES IXa) ICES IXa) Mediterranean	12 cm
	2	0,020 to 0,033	31 to 50	3		10 cm
	3	0,012 to 0,020	51 to 83			9 cm
	4	0,008 to 0,012	84 to 125			
Plaice (<i>Pleuronectes platessa</i>)	1	0,6 and over	—	1	(a) (b) North Sea	25 cm
	2	0,4 to 0,6		2		25 cm
	3	0,3 to 0,4				27 cm
	4	0,15 to 0,3		3 Baltic		27 cm
					subdivisions 22 to 25 subdivisions 26 to 28 subdivisions 29 South of 59°30'N	25 cm
						25 cm
						21 cm
						18 cm
Hake (<i>Merluccius merluccius</i>) Mediterranean	1	2,5 and over	—	1	(a) (b) Mediterranean	30 cm
	2	1,2 to 2,5		2		30 cm
	3	0,6 to 1,2				30 cm
	4	0,28 to 0,6		3		27 cm
	5	0,2 to 0,28				20 cm
		0,15 to 0,28				
Megrin (<i>Lepidorhombus</i> spp.) Mediterranean	1	0,45 and over	—	1	(a) (b)	25 cm
	2	0,25 to 0,45		2		25 cm
	3	0,20 to 0,25				25 cm
	4	0,11 to 0,20		3		20 cm
		0,05 to 0,20				
Ray's bream (<i>Brama</i> spp.)	1	0,8 and over	—			—
	2	0,2 to 0,8				
Anglerfish (<i>Lophius</i> spp.) whole, gutted	1	8 and over	—	1	(a) (b) Mediterranean	—
	2	4 to 8		2		not yet fixed
	3	2 to 4				—
	4	1 to 2		3		not yet fixed
	5	0,5 to 1				30 cm
Anglerfish (<i>Lophius</i> spp.) head removed	1	4 and over	—			—
	2	2 to 4				
	3	1 to 2				
	4	0,5 to 1				
	5	0,2 to 0,5				
Dab (<i>Limanda limanda</i>)	1	0,25 and over	—	1	(a) (b) North Sea	15 cm
	2	0,13 to 0,25		2		15 cm
				3		23 cm
						23 cm
						23 cm

Scale of weights				Minimum sizes to be observed in the conditions laid down in the Regulations referred to in Article 7		
Species	Size	Kg/fish ⁽¹⁾	Number of fish/kg ⁽²⁾	Region	Geographical area	Minimum size
Lemon sole (<i>Microstomus kitt</i>)	1	0,6 and over	—	1	(a)	25 cm
	2	0,35 to 0,6	—	2		25 cm
	3	0,18 to 0,35	—	3		(b) 25 cm
Albacore or long-finned tuna (<i>Thunnus alalunga</i>)	1	4 and over	—			—
	2	1,5 to 4	—			—
Blue-fin tuna (<i>Thunnus thynnus</i>)	1	70 and over	—		Mediterranean	70 cm or 6,4 kg
	2	50 to 70	—			
	2	25 to 50	—			
	4	10 to 25	—			
	5	6,4 to 10	—			
Big-eye tuna (<i>Thunnus obesus</i>)	1	10 and over	—			—
	2	3,2 to 10	—			—
Pollack (<i>Pollachius pollachius</i>)	1	5 and over	—	1	(a)	—
	2	3 to 5	—	2		30 cm
	3	1,5 to 3	—	3		(b) —
	4	0,3 to 1,5	—			30 cm
Blue whiting (<i>Micromesistius poutassou</i> or <i>Gadus poutassou</i>)	1	—	7 or less			—
	2	—	8 to 14			—
	3	—	15 to 25			—
	4	—	26 to 30			—
Pouting (<i>Trisopterus luscus</i>) and Poor cod (<i>Trisopterus minutus</i>)	1	0,4 and over	—	3		not yet fixed
	2	0,25 to 0,4	—			
	3	0,125 to 0,25	—			
	4	0,05 to 0,125	—			
Boghe (<i>Boops boops</i>)	1	—	5 or less			—
	2	—	6 to 31			—
	3	—	32 to 70			—
Picarel (<i>Maena sararis</i>)	1	—	20 or less			—
	2	—	21 to 40			—
	3	—	41 to 90			—
Conger eel (<i>Conger conger</i>)	1	7 and over	—	1	(a)	—
	2	5 to 7	—	2		58 cm
	3	0,5 to 5	—	3		(b) 58 cm
Gurnard (<i>Trigla</i> spp.) Tub gurnard	1	1 and over	—			—
	2	0,4 to 1	—			—
	3	0,2 to 0,4	—			—
	4	0,06 to 0,2	—			—
Other Gurnard	1	0,25 and over	—			—
	2	0,2 — 0,25	—			—
Horse mackerel (<i>Trachurus</i> spp.)	1	0,6 and over	—	1	Mediterranean	15 cm
	2	0,4 to 0,6	—	2		15 cm
	3	0,2 to 0,4	—	3		15 cm
	4	0,08 to 0,2	—	5		15 cm
	5	0,02 to 0,08	—			12 cm

Scale of weights				Minimum sizes to be observed in the conditions laid down in the Regulations referred to in Article 7		
Species	Size	Kg/fish ⁽¹⁾	Number of fish/kg ⁽²⁾	Region	Geographical area	Minimum size
Mullet (<i>Mugil spp.</i>)	1	1 and over	—	1	(a) (b) Mediterranean	—
	2	0,5 to 1		2		20 cm
	3	0,2 to 0,5		3		—
	4	0,1 to 0,2				20 cm 16 cm
Skate (<i>Raja spp.</i>)	1	5 and over	—			—
	2	3 to 5				
	3	1 to 3				
	4	0,3 to 1				
Skate (<i>wings</i>)	1	3 and over	—			—
	2	0,5 to 3				
Flounder (<i>Platichthys Flesus</i>)	1	over 0,3	—	1	(a) (b) subdivisions 22-25 subdivisions 26-28 subdivisions 29-32 South of 59°30'N	24 cm
	2	0,2 to 0,3 inclusive		2		24 cm
				3		24 cm
				Baltic		25 cm 21 cm 18 cm
Sole (<i>Solea spp.</i>)	1	0,5 and over	—	1	(a) (b) Mediterranean	24 cm
	2	0,33 to 0,5		2		24 cm
	3	0,25 to 0,33		3		24 cm
	4	0,17 to 0,25				24 cm
	5	0,12 to 0,17 ⁽³⁾				20 cm
	1	0,5 and over				
	2	0,33 to 0,5				
	3	0,25 to 0,35				
	4	0,20 to 0,25				
	5	0,12 to 0,2 ⁽⁴⁾				
Frostfish (<i>Lepidopus caudatus</i>)	1	3 and over	—			—
	2	2 to 3				
	3	1 to 2				
	4	0,5 to 1				
Black scabbardfish (<i>Aphanopus carbo</i>)	1	3 and over			—	
	2	0,5 to 3 —				
Cuttlefish (<i>Sepia officinalis</i> and <i>Rossia macrosoma</i>)	1	0,5 and over	—			—
	2	0,3 to 0,5				
	3	0,1 to 0,3				
Norway lobster (<i>Nephrops norvegicus</i>)	1	—	20 and less	2	Skagerrak and Kattegat	40 mm ^(*) 130 mm ^(**)
	2		21 to 30	2	except Scotland Irish Sea [ICES VIa) and VIIa)], Skagerrak and Kattegat	25 mm ^(*) 85 mm ^(**)
	3		31 to 40			2
	4		over 40	3	Mediterranean	

Scale of weights				Minimum sizes to be observed in the conditions laid down in the Regulations referred to in Article 7		
Species	Size	Kg/fish ⁽¹⁾	Number of fish/kg ⁽²⁾	Region	Geographical area	Minimum size
Norway lobster tails	1	—	60 and less 61 to 120	2	Skagerrak and Kattegat	72 mm
	2			except Western Scotland, Irish Sea [ICES VIa) and VIIa)], Skagerrak and Kattegat Western Scotland and Irish Sea [ICES VIa) and VIIa)]	46 mm	
	3				37 mm	
	4				37 mm	
Crangonid shrimps (<i>Crangon crangon</i>)	1	6,8 mm and over ⁽⁵⁾	—			—
	2	6,5 mm and over				
Pandalid shrimps (<i>Pandalus borealis</i>) fresh or chilled	One size	—	250 and less			—
Pandalid shrimps boiled or steamed	1	—	160 and less 161 to 250			—
	2					
Edible crab (<i>Cancer pagurus</i>)	1	16 cm and over ⁽⁶⁾	—			—
	2	13 to 16 cm ⁽⁶⁾				

⁽¹⁾ The categories of weights include fish from the lower limit up to, but excluding, the upper limit.

⁽²⁾ For mackerel of both species, number of fish/25 kg.

⁽³⁾ This table shall apply until 31 December 1997.

⁽⁴⁾ This table shall apply from 1 January 1998.

⁽⁵⁾ Width of shell.

⁽⁶⁾ Width of shell at the widest point.

(a) Except Skagerrak and Kattegat.

(b) Skagerrak and Kattegat.

(*) Length of shell.

(**) Overall length.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 26 November 1996

on the conclusion of an Agreement in the form of an Exchange of Letters concerning the provisional application of the Agreement on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania

(96/731/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Agreement between the European Economic Community and the Islamic Republic of Mauritania on fishing off the coast of Mauritania, which entered into force on 14 June 1988 ⁽¹⁾, and in particular Article 13 thereof,

Having regard to Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture ⁽²⁾, and in particular Article 8 (4) thereof,

Having regard to the proposal from the Commission,

Whereas on 18 January 1996 the Islamic Republic of Mauritania terminated the said fisheries Agreement and called on the Community, pursuant to the second subparagraph of Article 13 thereof, to enter into negotiations leading to the conclusion of a new Agreement;

Whereas on 20 June 1996, in the wake of the negotiations, the Community and the Islamic Republic of Mauritania initialled an Agreement on cooperation in the sea fisheries sector which provides fishing opportunities

for Community fishermen in waters over which Mauritania has sovereignty or jurisdiction;

Whereas, in order to manage them efficiently, the fishing opportunities available to the Community in Mauritania's fishing zone should be allocated between the Member States in accordance with Article 8 of Regulation (EEC) No 3760/92;

Whereas the fishing activities covered by this Decision are subject to the controls provided for in Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽³⁾;

Whereas, to ensure implementation of the provisions of the Cooperation Agreement, it is necessary for Member States to ensure that shipowners comply with their obligations and provide the Commission with all relevant information;

Whereas, to prevent any interruption of Community vessels' fishing activities, the Parties have also initialled an Agreement in the form of an Exchange of Letters providing for the provisional application of the Cooperation Agreement from 1 August 1996 and whereas it is therefore imperative that the Agreement in the form of an Exchange of Letters be concluded at the earliest opportunity, pending conclusion of the Cooperation Agreement on the basis of Article 43 of the Treaty,

⁽¹⁾ OJ No L 388, 31. 12. 1987, p. 2.

⁽²⁾ OJ No L 389, 31. 12. 1992, p. 1. Regulation as amended by the 1994 Act of Accession.

⁽³⁾ OJ No L 261, 20. 10. 1993, p. 1. Regulation as last amended by Regulation (EC) No 2870/95 (OJ No L 301, 14. 12. 1995, p. 1).

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an Exchange of Letters concerning the provisional application of the Agreement on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania is hereby approved on behalf of the Community.

The texts of the Agreement in the form of an Exchange of Letters and of the Cooperation Agreement, hereinafter referred to as 'the Agreement', are attached to this Decision.

Article 2

The fishing opportunities arising from the provisional application of the Agreement shall be allocated according to the table in the Annex to this Decision. As far as cephalopods are concerned, the annual allocation of the opportunities between Member States as from 1 August 1997 will be decided upon by 30 June each year according to the procedure provided for in Article 18 of Regulation (EEC) No 3760/92.

Where, in a fishing category, a Member State draws up licence applications for less than its allocated tonnage, the Commission shall offer shipowners from the other Member States the opportunity to submit applications.

Article 3

1. Member States shall:

(a) check that the data given on the licence application forms provided for in Appendix 1 to Annex I to the Agreement match those in the Community register of fishing vessels established by Commission Regulation (EC) No 109/94⁽¹⁾, and report to the Commission any changes in those data at the time of subsequent applications.

They shall likewise verify the accuracy of the other data necessary for the drawing-up of licences;

(b) submit licence applications to the Commission in accordance with Article 3 (1) of Regulation (EC) No

3317/94⁽²⁾, no later than two working days before the deadline laid down in point 2.1 of Chapter II of Annex I to the Agreement;

(c) provide the Commission each month with a list of vessels whose licences have been suspended with, by port, the date on which a licence was handed over and the date on which it was restored;

(d) transmit to the Commission the summaries of the inspection reports referred to in point 2 of Chapter IV of Annex II to the Agreement. The summaries shall describe the inspections carried out, the results obtained and the action taken;

(e) transmit to the Commission each month a copy of the scientific observers' reports provided for in point 14 of Chapter V of Annex II to the Agreement.

They shall notify the Commission immediately of any infringements revealed by the information contained in these reports and the action taken.

They shall enter the scientific data contained in these reports in an electronic database. The Commission shall have access to these databases;

(f) transmit to the Commission, and at the same time to Mauritania's competent authorities, a copy of the notice of the inspection missions planned under point 4 of Chapter VI of Annex II to the Agreement and, where relevant, of the notification that an observer will be taking part.

They shall transmit to the Commission a copy of the reports of the observers appointed by their supervisory authorities pursuant to point 3 of Chapter VI of Annex II to the Agreement;

(g) adopt the provisions needed to take appropriate action and initiate administrative proceedings, as provided for in point 15 of Chapter V of Annex II to the Agreement.

Article 4

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.

Done at Brussels, 26 November 1996.

For the Council
The President
E. KENNY

⁽¹⁾ Commission Regulation (EC) No 109 of 19 January 1994 concerning the fishing vessel register of the Community (OJ No L 19, 22. 1. 1994, p. 5). Regulation as amended by Regulation (EC) No 493 (OJ No L 72, 21. 3. 1996, p. 12).

⁽²⁾ Council Regulation (EC) No 3317 of 22 December 1994 laying down general provisions concerning the authorization of fishing in the waters of a third country under a fisheries agreement (OJ No L 350, 31. 12. 1994, p. 13).

ANNEX

Provisional allocation of fishing opportunities between Member States

Fishing categories	Member State	Tonnage/Permitted number of vessels				
		1. 8. 1996 to 31. 7. 1997	1. 8. 1997 to 31. 7. 1998	1. 8. 1998 to 31. 7. 1999	1. 8. 1999 to 31. 7. 2000	1. 8. 2000 to 31. 7. 2001
Crustaceans other than crawfish (GRT)	Spain	4 000	4 000	4 000	4 000	4 000
	Italy	1 000	1 000	1 000	1 000	1 000
	Portugal	500	500	500	500	500
Black hake (GRT)	Spain	8 500	8 500	8 500	8 500	8 500
Demersal species other than black hake — trawl net (GRT)	Spain	5 500	5 500	5 500	5 500	5 500
Demersal species other than black hake — other gear (GRT)	Spain	1 200	1 200	1 200	1 200	1 200
	Portugal	2 000	2 000	2 000	2 000	2 000
	France	1 000	1 000	1 000	1 000	1 000
Cephalopods (vessels)	Spain	22	p.m.	p.m.	p.m.	p.m.
	Italy	3				
Crawfish (GRT)	Portugal	300	300	300	300	300
Pelagic species (vessels)		22	22	22	22	22
Tuna seiners (vessels)	Spain	22	22	22	22	22
	France	18	18	18	18	18
Pole-and-line tuna vessels and surface longliners (vessels)	Spain	7	7	7	7	7
	Portugal	3	3	3	3	3
	France	7	7	7	7	7

AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS

concerning the provisional application of the Agreement on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania

A. Letter from the European Community

Sir,

With reference to the Agreement on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania, initialled in Brussels on 20 June 1996, I have the honour to inform you that the European Community is ready to apply this Agreement on a provisional basis from 1 August 1996, pending its entry into force, provided that the Islamic Republic of Mauritania is disposed to do likewise.

This is on the understanding that, in that case, in accordance with Article 3 of the Protocol, the first instalment of the financial compensation specified in Article 2 of the Protocol shall be paid by 30 November 1996 at the latest. However, the Community shall do its utmost to act sooner.

I should be obliged if you would acknowledge receipt of this letter on such provisional application and confirm your agreement with its contents.

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

*On behalf of
the Council of the European Union*

B. Letter from the Government of the Islamic Republic of Mauritania

Gentlemen,

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

'With reference to the Agreement on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania, initialled in Brussels on 20 June 1996, I have the honour to inform you that the European Community is ready to apply this Agreement on a provisional basis from 1 August 1996; pending its entry into force, provided that the Islamic Republic of Mauritania is disposed to do likewise.

This is on the understanding that, in that case, in accordance with Article 3 of the Protocol, the first instalment of the financial compensation specified in Article 2 of the Protocol shall be paid by 30 November 1996 at the latest. However, the Community shall do its utmost to act sooner.

I should be obliged if you would acknowledge receipt of this letter on such provisional application and confirm your agreement with its contents.'

I have the honour to confirm that the contents of your letter are acceptable to the Government of the Islamic Republic of Mauritania and that your letter and this one constitute an Agreement in accordance with your proposal.

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

*For the Government of
the Islamic Republic of Mauritania*

AGREEMENT**on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania**

THE EUROPEAN COMMUNITY,

hereinafter referred to as the 'Community', and

THE ISLAMIC REPUBLIC OF MAURITANIA,

hereinafter referred to as 'Mauritania',

hereinafter referred to as the 'Contracting Parties',

CONSIDERING the close and privileged relations between the Community and Mauritania and both Parties' desire to create an effective partnership in the framework of the Euro-Mediterranean project and taking account of the spirit of cooperation resulting from the Lomé Convention;

AWARE of the role played by the sea fisheries sector and related industries in the economic and social development of Mauritania and various regions of the Community and taking account of both Parties' determination to modernize and reorganize their fishing fleets, each for its part;

RECALLING that the Community and Mauritania are signatories to the United Nations Convention on the Law of Sea and that, in accordance with that Convention, Mauritania has established an exclusive economic zone extending 200 nautical miles from its shores within which it exercises its sovereign rights for the purpose of exploring, exploiting, conserving and managing the resources of the said zone;

TAKING ACCOUNT of the code of conduct on responsible fishing adopted by the Council of the Food and Agriculture Organization;

AWARE of the importance they attach to the conservation and rational exploitation of fishery resources and the protection of the marine environment;

DETERMINED to ensure, in their mutual interest, the conservation, rational management and sustainable development of the fishery resources of their coastal waters and to cooperate in the establishment of a system of controls covering all fishing activities so as to guarantee the effectiveness of the measures for the development and conservation of such resources;

CONVINCED that the achievement of their respective economic and social objectives in the fisheries sector will be furthered by close cooperation in scientific and technical research in that sector on terms ensuring the conservation and rational exploitation of stocks;

TAKING INTO ACCOUNT the fact that sea fishing activities constitute a complete economic cycle and anxious to establish stronger links by means of close and far-reaching cooperation between the two partners embracing all aspects of the cycle with a view to promoting its growth together;

TAKING ACCOUNT of the objectives and guidelines contained in Mauritania's fisheries sector development policy;

DESIROUS of developing the various aspects of their cooperation on sea fishing activities and related industries on mutually advantageous terms;

DESIROUS of determining the procedures for cooperation in the sea fisheries sector and related industries,

HAVE AGREED AS FOLLOWS:

*Article 1***Purpose and definitions**

1. This Agreement establishes the principles, rules and procedures for cooperation between the Community and Mauritania in the conservation and development of fishery resources and in the creation of added value directly or by processing and sets out the conditions for the fishing activities of vessels flying the flag of a Member State of the Community in the waters over which Mauritania has sovereignty or jurisdiction.

2. For the purposes of this Agreement, the Annexes and Protocol thereto:

- (a) 'Mauritania's fishing zone' means the waters over which the Islamic Republic of Mauritania has sovereignty of jurisdiction;
- (b) 'Community vessels' means fishing vessels flying the flag of a Member State and registered in the Community which operate in the framework of this Agreement;
- (c) 'the Ministry' shall mean Mauritania's Ministry of Fisheries and the Marine Economy;
- (d) 'Surveillance authority' shall mean the delegation responsible for fisheries surveillance and protection in Mauritania;
- (e) 'Mauritanian law' shall mean Mauritanian rules and regulations;
- (f) 'Commission' shall mean the Commission of the European Communities;
- (g) 'the Delegation' shall mean the Delegation of the Commission of the European Communities to Mauritania.

*Article 2***Areas of cooperation**

1. The Contracting Parties shall cooperate, either bilaterally or within the framework of the competent international organizations, or, where appropriate, on a regional or subregional basis, with a view to ensuring the conservation and rational exploitation of fishery stocks in accordance with the relevant provisions of the United Nations Convention on the Law of the Sea.

2. The Contracting Parties shall step up scientific and technical cooperation between their institutions specializing in the fisheries sector.

3. The Contracting Parties shall promote economic, commercial and industrial cooperation in the fisheries sector. To this effect they shall facilitate the exchange and dissemination of information on fishing techniques and gear, on the conservation and industrial processing of fishery products and on methods for the protection of the marine environment.

4. With a view to ensuring the sustainable development of the sea fisheries sector and in accordance with the provisions of Article 7 of this Agreement, the Community shall provide Mauritania with a financial contribution to build up health inspection and scientific research in its fisheries sector and implement the policy for the development of its fisheries.

*Article 3***Development activities**

The Contracting Parties shall undertake operations conducive to the sustainable development of Mauritania's fisheries sector and designed to strengthen the solidarity of the common interests of their respective operators, notably by:

- the modernization of the inshore fishing fleet and of fisheries-related industries,
- the development of small-scale fishing,
- the development of port infrastructure and the improvement of conditions for the reception of fishing fleets in Mauritanian ports,
- undertaking aquaculture projects,
- protection of the marine environment,
- commissioning specific studies,
- developing research into new fishing methods conducive to the rational exploitation of fish stocks,
- the improvement and development of distribution networks for fishery products,
- improving assistance and rescue services at sea,
- monitoring the exploitation of fishery resources,
- stepping up surveillance at sea,
- improving administrative procedures for managing this Agreement,
- encouraging the establishment and development of associations of undertakings and joint ventures in the fisheries and aquaculture sectors and related industries.

Such programmes and operations may be eligible for a financial contribution from the Community.

*Article 4***Training for seamen**

The Community shall pay particular attention to Mauritania's needs in the matter of training for seamen by developing and strengthening its human resources and the infrastructure and facilities of its maritime training establishments in Mauritania. To those ends it shall make

a financial contribution to Mauritania in accordance with Article 7 of this Agreement.

Article 5

Fishing opportunities

The fishing opportunities accorded by Mauritania to Community vessels in Mauritania's fishing zone and the financial compensation referred to in Article 7 shall be set out in the Protocol to this Agreement.

Article 6

General conditions for the exercise of fishing activities

1. The exercise of fishing activities by Community vessels shall be subject to the holding of a licence issued by the competent Mauritanian authorities at the request of the competent Community authorities. On the issue of a license, fees and contributions to observers' expenses shall be incurred, payable by the shipowner.

2. The Community shall make available to Mauritania all relevant information on the activities of those of its vessels authorized to fish in Mauritania's fishing zone, notably information on the quantities landed as set out in the Annexes.

3. The procedures for the issue of licences and for the payment of fees and contributions to scientific observers' expenses, and any other conditions to which fishing activities by Community vessels in Mauritania's fishing zone may be subject, are set out in the Annexes.

4. The Contracting Parties shall ensure the proper implementation of these procedures and conditions by appropriate administrative cooperation between their competent authorities.

Article 7

Compensation and financial contribution

The Community shall accord Mauritania, in return for the fishing opportunities referred to in Article 5 of this Agreement:

- financial compensation, and
- the financial contributions referred to in Articles 2, 3 and 4.

The above financial compensation and financial contributions are set out in the Protocol to this Agreement.

Article 8

Compliance with the conditions for the exercise of fishing activities

1. The Community undertakes to take all steps necessary to ensure that its vessels comply with the provisions of this Agreement and Mauritanian law in accordance with the United Nations Convention on the Law of the Sea.

2. The Mauritanian authorities shall notify the Delegation in good time of any new rules and regulations relating to fishing. Community vessels shall have one month within which to comply with any such new rules and regulations.

3. Measures taken by Mauritania to regulate fishing shall not discriminate against Community vessels in relation to vessels of third countries, nor be such as to impede the full exercise of any fishing rights accorded to the Community pursuant to this Agreement.

4. Measures involving the partial cessation of fishing activities or the biological recovery of particular species shall be applied to all fleets landing those species as their principal catch.

5. Should Mauritania decide, as a result of changes in the state of its resources, to adopt conservation measures other than those referred to in paragraph 4, which affect the activities of Community vessels, consultations shall be arranged between the Contracting Parties with a view to adapting the Protocol and Annexes to this Agreement.

The aim of such consultations shall be to evaluate the scientific grounds for the measures and, where appropriate, to adapt the Community's financial contribution in line with any adaptation to the fishing opportunities laid down in the Protocol.

Article 9

Administrative cooperation

The Contracting Parties, desirous of ensuring the effectiveness of the measures for the development and conservation of fishery resources shall:

- develop administrative cooperation to ensure that their vessels respect the provisions of this Agreement and Mauritanian law on sea fishing, each for its part,
- cooperate to prevent and combat illegal fishing, in particular through the exchange of information and close administrative cooperation.

The practical arrangements for the implementation of administrative cooperation are set out in the Annexes.

The application of the practical arrangements for administrative cooperation shall be examined by both Parties within the Joint Committee provided for in Article 10 of this Agreement.

Article 10

Joint Committee

A Joint Committee shall be set up to ensure that this Agreement is applied correctly. The Joint Committee shall, *inter alia*:

- supervise the implementation, interpretation and proper working of the Agreement, and the settlement of disputes,
- constitute the necessary point of contact in matters of common interest regarding the fisheries sector,
- evaluate the results of the cooperation between the Contracting Parties with regard to supervision as set out in the Annexes hereto,
- examine the conduct of landings and transshipments by Community vessels in Mauritanian ports,
- examine the application of arrangements for cooperation to combat illegal fishing and for administrative cooperation to ensure respect for Mauritanian law and the provisions of this Agreement.

The Joint Committee shall meet once a year, alternately in Mauritania and the Community, or in extraordinary session at the request of either of the Contracting Parties.

Article 11

Dispute settlement

The Contracting Parties shall consult each other on any dispute concerning the interpretation or application of this Agreement.

Article 12

Annexes and Protocol

The Protocol and the fishing datasheets included therein and the Annexes and their Appendices shall form an integral part of this Agreement.

Article 13

Law of the Sea

Nothing contained in this Agreement shall affect or prejudice in any manner the views of either Contracting Party with respect to any question relating to the Law of the Sea.

Article 14

Area of application

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

Article 15

Duration and validity

1. This Agreement shall be valid for five years commencing on 1 August 1996.

2. Should the Agreement not be terminated by either Party through notice of termination given six months before the expiry of that period of five years, it shall remain in force for additional periods of five years, provided that notice of termination has not been given at least six months before the expiry of each such five-year period.

3. Should the Agreement be denounced, the Contracting Parties shall enter into negotiations.

4. Before the expiry of the Protocol, negotiations shall take place between the Contracting Parties to determine by mutual agreement the amendments or additions to be made to the Annexes or the Protocol.

Article 16

Final provisions

This Agreement, drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish, Swedish and Arabic languages, each of these texts being equally authentic, shall enter into force on the date on which the Contracting Parties notify each other of the completion of the procedures necessary for that purpose.

PROTOCOL

setting out fishing opportunities and the financial compensation and financial contributions for the period 1 August 1996 to 31 July 2001

Article 1

For a five-year period from 1 August 1996, the fishing opportunities provided for in Article 5 of the Agreement shall be as set out in the datasheets contained in this Protocol.

Article 2

1. The total financial compensation provided for in Article 7 of the Agreement shall be set for the period referred to in Article 1 of this Protocol at ECU 266,8 million. This financial compensation shall be payable in five annual instalments as follows:

- Year 1: ECU 55 160 000
- Year 2: ECU 54 360 000
- Year 3: ECU 53 560 000
- Year 4: ECU 52 160 000
- Year 5: ECU 51 560 000.

2. Mauritania shall have sole responsibility for the allocation of the total amount of financial compensation.

Article 3

1. The total financial compensation shall be paid into an account held by the Central Bank of Mauritania opened with a financial institution designated by Mauritania.

2. The annual payments provided for in Article 2 (1) of this Protocol shall be made not later than 1 August of each year. The payment relating to the first year shall be made no later than 30 November 1996.

Article 4

Where the state of fish stocks so allows, the fishing opportunities referred to in Article 1 of this Protocol may be increased at the Community's request. In that event the financial compensation referred to in Article 2 of this Protocol shall be adjusted by common agreement.

Article 5

Of the total amount of financial compensation referred to in Article 2 of this Protocol, Mauritania shall allocate an amount of ECU 600 000 per year in the form of a financial contribution, as laid down in Article 2 of the Agreement, to help build up health inspections and fisheries research and implement the policy for the development of Mauritania's fish stocks.

Article 6

1. Of the total amount of financial compensation referred to in Article 2 of this Protocol, Mauritania shall allocate an amount of ECU 250 000 per year in the form of a financial contribution, as laid down in Article 4 of the Agreement, towards sea-going training schemes to develop and strengthen human resources, infrastructure and facilities in sea training institutes in Mauritania.

2. Of the total amount of financial compensation referred to in Article 2 of this Protocol, Mauritania shall allocate an amount of ECU 200 000 per year to the Ministry to cover expenses relating to seminars, participation in international meetings and training visits.

Article 7

Should the Commission fail to make the annual payments referred to in Article 2 of this Protocol, Mauritania reserves the right to suspend the application of the Agreement.

Article 8

The Contracting Parties shall foster cooperation in the fisheries sector. They shall encourage the integration of Community and Mauritanian private sector concerns through associations of undertaking, joint ventures and other forms of partnership to exploit fisheries resources and process and market fishery products.

Article 9

Community shipowners shall own the authorized catches by their vessels in their entirety and be free to decide upon their sale. However, the Contracting Parties will encourage their own operators concerned to establish permanent joint consultation in order to prevent any competition liable to destabilize the market.

Article 10

Community shipowners shall be free to choose the agents for their vessels, although they must be of Mauritanian nationality.

The names and addresses of such agents must be forwarded to the Ministry.

Article 11

This Protocol shall apply from 1 August 1996.

*Fishing data sheet No 1***FISHING CATEGORY: FISHING VESSELS SPECIALIZING IN CRUSTACEANS OTHER THAN CRAWFISH****1. Fishing zone**

- 1.1. North of latitude 19° 21 N: nine nautical miles from the baseline of Cap Blanc-Cap Timiris.

During a period laid down annually by decree of the Minister responsible for sea fishing, fishing is not authorized within the lines between the following points:

20° 46 N 17° 03 W

19° 50 N 17° 03 W

19° 21 N 16° 45 W.

- 1.2. South of latitude 19° 21 N: six nautical miles from the low-water mark.

2. Authorized gear: Bottom shrimp trawl

Doubling of the cod-end is prohibited.

Doubling of the twine forming the cod-end is prohibited.

3. Minimum authorized mesh size: 50 mm.**4. Biological recovery:** Two months: March and April.

The Contracting Parties may decide by common agreement to adjust the above period of biological recovery.

5. By-catches: 20 % fish and 15 % cephalopods.**6. Authorized tonnage/Fees:**

Periods	1. 8. 1996 to 31. 7. 1997	1. 8. 1997 to 31. 7. 1998	1. 8. 1998 to 31. 7. 1999	1. 8. 1999 to 31. 7. 2000	1. 8. 2000 to 31. 7. 2001
Authorized tonnage (GRT)	5 500	5 500	5 500	5 500	5 500
Fees in ecus per GRT/annum	290	304	320	335	352

7. Comments: —

*Fishing datasheet No 2***FISHING CATEGORY: BLACK HAKE TRAWLERS ⁽¹⁾ AND BOTTOM LONGLINERS****1. Fishing zone****1.1. North of latitude 19° 21 N: the lines between the following points:**

20° 36 N	17° 36 W
20° 03 N	17° 36 W
19° 50 N	17° 12,8 W
19° 50 N	17° 03 W
19° 04 N	16° 34 W.

1.2. South of latitude 19° 21 N: 18 nautical miles from the low-water mark.**2. Authorized gear: — Bottom longline,
— Bottom trawl for hake.**

Doubling of the cod-end is prohibited.

Doubling of the twine forming the cod-end is prohibited.

3. Minimum authorized mesh size: 60 mm for the trawl net.**4. Biological recovery: two months: September and October.**

The Contracting Parties may decide by common agreement to adjust the above period of biological recovery.

5. By-catches: 35 % fish, 0 % cephalopods and 0 % crustaceans.**6. Authorized tonnage/Fees**

Periods	1. 8. 1996 to 31. 7. 1997	1. 8. 1997 to 31. 7. 1998	1. 8. 1998 to 31. 7. 1999	1. 8. 1999 to 31. 7. 2000	1. 8. 2000 to 31. 7. 2001
Authorized tonnage (GRT)	8 500	8 500	8 500	8 500	8 500
Fees in ecus per GRT/annum	149	149	149	149	149

7. Comments: ⁽¹⁾ This category does not include freezer trawlers.

*Fishing datasheet No 3***FISHING CATEGORY: VESSELS FISHING FOR DEMERSAL SPECIES OTHER THAN BLACK HAKE WITH GEAR OTHER THAN TRAWLS****1. Fishing zone**

- 1.1. North of latitude 19°21 N: 3 nautical miles from the baseline of Cap Blanc-Cap Timiris.
 1.2. South of latitude 19°21 N: 3 nautical miles from the low-water mark.

- 2. Authorized gear:** ⁽¹⁾: — longline,
 — fixed gillnet,
 — handline.

The technical characteristics of the nets used, the length of netting and the minimum distances between netting and from the coast are to be defined by 31 December 1996 by common agreement of the technical experts appointed by the two Parties.

Should the technical experts fail to reach agreement by 31 December 1996, a meeting of the Joint Committee will be called in order to reach a definitive solution to the matter by 28 February 1997.

- 3. Minimum authorized mesh size:** 120 mm for the gillnet.

- 4. Biological recovery:** two months: September and October.

The Contracting Parties may decide by common agreement to adjust the above period of biological recovery.

- 5. By-catches** 0 % cephalopods and 0 % crustaceans.

6. Authorized tonnage/Fees

Periods	1. 8. 1996 to 31. 7. 1997	1. 8. 1997 to 31. 7. 1998	1. 8. 1998 to 31. 7. 1999	1. 8. 1999 to 31. 7. 2000	1. 8. 2000 to 31. 7. 2001
Authorized tonnage (GRT)	4 200	4 200	4 200	4 200	4 200
Fees in ecus per GRT/annum < 100 GRT	140	147	154	162	170
Fees in ecus per GRT/annum > 100 GRT	210	221	232	243	255

- 7. Comments:** ⁽¹⁾ Notification of the type of fishing gear to be used should be made when applying for the quarterly licence.

*Fishing datasheet No 4***FISHING CATEGORY: TRAWLERS FISHING FOR DEMERSAL SPECIES OTHER THAN BLACK HAKE****1. Fishing zone****1.1. North of latitude 19°21' N: the lines between the following points:**

20°36' N	17°36' W
20°03' N	17°36' W
19°50' N	17°12,8' W
19°50' N	17°03' W
19°04' N	16°34' W.

1.2. South of latitude 19°21' N: 18 nautical miles from the low-water mark.**2. Authorized gear: trawl net.**

Doubling of the cod-end is prohibited.

Doubling of the twine forming the cod-end is prohibited.

3. Minimum authorized mesh size: 70 mm**4. Biological recovery: two months: September and October.**

The Contracting Parties may decide by common agreement to adjust the above period of biological recovery.

5. By-catches: 10 % of which a maximum of 5 % shrimps and 5 % cephalopods.**6. Authorized tonnage/Fees:**

Periods	1. 8. 1996 to 31. 7. 1997	1. 8. 1997 to 31. 7. 1998	1. 8. 1998 to 31. 7. 1999	1. 8. 1999 to 31. 7. 2000	1. 8. 2000 to 31. 7. 2001
Authorized tonnage (GRT)	5 500	5 500	5 500	5 500	5 500
Fees in ecus per GRT/annum	164	172	181	190	199

7. Comments:

7.1. 1 500 GRT in this category are reserved for 3 freezer trawlers which are no longer allowed to fish in the 'black hake' category, now reserved for wet trawlers.

7.2. Black hake may be kept on board but must not constitute the majority of species in catches kept on board at any one time.

*Fishing datasheet No 5***FISHING CATEGORY: CEPHALOPODS**

1. **Fishing zone:** Same as laid down by the Mauritanian law applying to its national vessels.

During a period laid down annually by decree of the Minister responsible for sea fishing, fishing is not authorized within the lines between the following points:

20°46 N	17°03 W
19°50 N	17° 03 W
19°21 N	16° 45 W.

2. **Authorized gear:** bottom trawl.

Doubling of the cod-end is prohibited.

Doubling of the twine forming the cod-end is prohibited.

3. **Minimum authorized mesh size:** 70 mm.

4. **Biological recovery:** two months: September and October.

The Contracting Parties may decide by common agreement to adjust the above period of biological recovery.

5. **By-catches:**

6. **Authorized tonnage/Fees:**

Periods	1. 8. 1996 to 31. 7. 1997	1. 8. 1997 to 31. 7. 1998	1. 8. 1998 to 31. 7. 1999	1. 8. 1999 to 31. 7. 2000	1. 8. 2000 to 31. 7. 2001
Authorized tonnage (GRT) ⁽¹⁾	7 500	12 000	13 500	15 000	15 000
Number of vessels authorized to fish	25	40	45	50	50
Fees in ecus per GRT/annum	365	384	403	423	444

7. **Comments:** ⁽¹⁾ The authorized tonnage (GRT) may vary by a maximum of 3 % during the first and second years and by a maximum of 2 % during the last three years.

*Fishing datasheet No 6***FISHING CATEGORY: Crawfish****1. Fishing zone**

- 1.1. North of latitude 19°21 N: 20 nautical miles from the baseline Cap Blanc-Cap Timiris.
 1.2. South of latitude 19°21 N: 15 nautical miles from the low-water mark.

2. Authorized gear: pots.**3. Minimum authorized mesh size: —****4. Biological recovery: two months: September and October.**

The Contracting Parties may decide by common agreement to adjust the above period of biological recovery.

5. By-catches: 0 %.**6. Authorized tonnage/Fees:**

Periods	1. 8. 1996 to 31. 7. 1997	1. 8. 1997 to 31. 7. 1998	1. 8. 1998 to 31. 7. 1999	1. 8. 1999 to 31. 7. 2000	1. 8. 2000 to 31. 7. 2001
Authorized tonnage (GRT)	300	300	300	300	300
Fees in ecus per GRT/annum	254	267	280	294	309

7. Comments: —

*Fishing datasheet No 7***FISHING CATEGORY: FREEZER TUNA SEINERS****1. Fishing zone**

- 1.1. North of latitude 19°21 N: 30 nautical miles from the baseline of Cap Blanc-Cap Timiris.
- 1.2. South of latitude 19°21 N: 30 nautical miles from the low-water mark.

2. Authorized gear: seine net.**3. Minimum authorized mesh size:** recommended ICCAT standard.**4. Biological recovery:** —**5. By-catches:** 0 %.**6. Number of vessels/Fees:**

Periods	1. 8. 1996 to 31. 7. 1997	1. 8. 1997 to 31. 7. 1998	1. 8. 1998 to 31. 7. 1999	1. 8. 1999 to 31. 7. 2000	1. 8. 2000 to 31. 7. 2001
Number of vessels authorized to fish	40	40	40	40	40
Advance in ecus/vessel	1 000	1 000	1 000	1 000	1 000

7. Comments: —

*Fishing datasheet No 8***FISHING CATEGORY: POLE-AND-LINE TUNA VESSELS AND SURFACE LONGLINERS****1. Fishing zone**

- 1.1. North of latitude 19°21 N: 15 nautical miles from the baseline of Cap Blanc-Cap Timiris.
 1.2. South of latitude 19°21 N: 12 nautical miles from the low-water mark.

2. Authorized gear: pole-and-line and surface longlines.**3. Minimum authorized mesh size:** —**4. Biological recovery:** —**5. By-catches:** 0 %.**6. Number of vessels/Fees:**

Periods	1. 8. 1996 to 31. 7. 1997	1. 8. 1997 to 31. 7. 1998	1. 8. 1998 to 31. 7. 1999	1. 8. 1999 to 31. 7. 2000	1. 8. 2000 to 31. 7. 2001
Number of vessels authorized to fish	17	17	17	17	17
Advance in ecus/vessel	2 000	2 000	2 000	2 000	2 000

7. Comments: Live-bait fishing.**7.1. Fishing zone authorized for live-bait fishing:**

- north of latitude 19°21 N: 3 nautical miles from the baseline of Cap Blanc-Cap Timiris,
 — south of latitude 19°21 N: 3 nautical miles from the low-water mark.

7.2. Minimum authorized mesh size for live-bait fishing: 8 mm.

*Fishing datasheet No 9***FISHING CATEGORY: PELAGIC FREEZER TRAWLERS****1. Fishing zone****1.1. North of latitude 19°21 N: the lines between the following points:**

20°46,3 N	17°03 W
20°10,7 N	17°24,2 W
19°50 N	17°12,8 W
19°43 N	16°58 W
19°21 N	16°45 W

1.2. South of latitude 19°21 N: 12 nautical miles from the low-water mark.**2. Authorized gear: pelagic trawl.**

Doubling of the cod-end is prohibited.

Doubling of the twine forming the cod-end is prohibited.

3. Minimum authorized mesh size: 40 mm.**4. Biological recovery: —****5. By-catches: 3 % fish, 0 % cephalopods and 0 % crustaceans.****6. Authorized tonnage/Number of vessels/Fees**

Periods	1. 8. 1996 to 31. 7. 1997	1. 8. 1997 to 31. 7. 1998	1. 8. 1998 to 31. 7. 1999	1. 8. 1999 to 31. 7. 2000	1. 8. 2000 to 31. 7. 2001
Number of vessels authorized to fish	22	22	22	22	22
Fees in ecus per GT/month	2	2	2	2	2

7. Comments:

The vessels fall into three categories:

- Category 1: gross tonnage of less than or equal to 3 000 GT; ceiling: 12 500 t/vessel/annum,
- Category 2: gross tonnage of more than 3 000 GT but less than or equal to 5 000 GT; ceiling: 17 500 t/vessel/annum,
- Category 3: gross tonnage of more than 5 000 GT but less than or equal to 8 000 GT; ceiling: 22 500 t/vessel/annum.

ANNEX I

CONDITIONS FOR THE EXERCISE OF FISHING ACTIVITIES BY COMMUNITY VESSELS IN MAURITANIA'S FISHING ZONE

CHAPTER I

Documents required for licence applications

1. On each vessel's first licence application, the Commission shall submit to the Ministry a licence application form duly completed in respect of each vessel for which a licence is requested in accordance with the model in Appendix 1 to this Annex. The particulars relating to the name of the vessel, its tonnage in GRT, external registration number, radio call sign, engine power, overall length and home port, shall be as contained in the register of Community fishing vessels.
2. On a first licence application, the shipowner shall include with the application:
 - a copy certified by the Member State of the tonnage certificate giving the tonnage of the vessel expressed in GRT,
 - a recent, certified colour photograph showing a side view of the vessel in its current state. The photograph shall be at least 15 cm by 10 cm.
3. Any alteration to the tonnage of a vessel shall oblige the shipowner concerned to submit a copy certified by the Member State of the new tonnage certificate and any supporting documents concerning the alteration and, in particular, the copy of the application lodged by the shipowner with the competent authorities, the agreement of those authorities and the details of the changes made.

Where the structure or external appearance of the vessel is changed, a new photograph must also be submitted.
4. Applications for fishing licences shall be lodged only in respect of those vessels for which the documents required under points 1, 2 and 3 above have been sent.

CHAPTER II

Licences — application, issue and validity

1. *Eligibility to fish*
 - 1.1. Each vessel wishing to fish under this Agreement must be eligible for fishing in Mauritania's fishing zone.
 - 1.2. For a vessel to be eligible, neither the owner, the master nor the vessel itself must be prohibited from fishing in Mauritania. They must be in order *vis-à-vis* the Mauritanian authorities insofar as they must have fulfilled all prior obligations arising from their fishing activities in Mauritania under fisheries agreements concluded with the Community.
2. *Licence applications*
 - 2.1. Each quarter the Commission shall submit to the Ministry lists of vessels which request to engage in fishing activities within the limits specified for each fishing category in the fishing datasheets included in the Protocol, at least 30 days before the start of the period of validity of the licences requested. Such lists shall be accompanied by proof of payment. Licence applications failing to arrive within the deadline will not be handled.
 - 2.2. This list shall specify clearly, by fishing category, the tonnage, the number of vessels and, for each vessel, its main characteristics, including its fishing gear, the amount of fees and the scientific observers' expenses due for the period concerned and the number of Mauritanian seamen.

Any changes to the particulars of the vessel occurring either since the licence application form was submitted for since the last licence application for such vessels, shall be indicated on a supplementary list. No amendment relating to particulars obtained from the register of Community fishing vessels may be made until that register has been updated.

- 2.3. A datafile containing all the particulars required to draw up the fishing licences, including any amendments to the vessel data, shall also be attached to the licence application, with effect from 1 February 1998, in a format compatible with software used by the Ministry.
 - 2.4. Licence applications shall be accepted only in respect of eligible vessels which have completed all the formalities specified in points 2.1, 2.2 and 2.3.
 - 2.5. In order to facilitate inspections on entering or leaving the zone, vessels holding fishing licences for neighbouring countries may indicate in their licence applications the country and species concerned and the period of validity of such licences.
3. *Issue of licences*
- 3.1. The Ministry shall issue the licences to the vessel following receipt of the appropriate payments referred to in Chapter 4 at least 10 days before the start of their period of validity. The licences may be obtained from the departments of the Ministry in Nouadhibou or Nouakchott.
 - 3.2. Licences shall be drawn up in accordance with the data in the fishing datasheets included in the Protocol. They shall also mention the period of validity, the vessel's technical characteristics, the number of Mauritanian seamen and the payment references of the fees.
 - 3.3. Fishing licences may be issued only for vessels which have complied with all the administrative formalities required for the issue of licences.
 - 3.4. The Delegation shall be notified of licence applications refused by the Mauritanian authorities. Where appropriate, the Ministry shall provide a credit note against payments relating to these after deduction of the balance of any outstanding unpaid fines.
4. *Validity and utilization of licences*
- 4.1. Licences shall be valid only for the period covered by the fees paid and for the fishing zone, the type of gear and fishing category specified in the licence in question.
 - 4.2. Licences shall be issued for a given vessel and shall not be transferable. However, in the event of *force majeure* duly established by the competent authorities of the flag Member State and at the request of the Commission, a licence issued for one vessel shall be replaced as soon as possible by a licence issued for another vessel of the same category on condition that the tonnage authorized for that category is not exceeded.
 - 4.3. The licence to be replaced shall be returned to the Ministry which shall then issue the new licence.
 - 4.4. Any adjustments in the amounts paid as a result of withdrawal before the first day of validity of the licence or a licence being transferred shall be effected before the replacement licence is issued.
 - 4.5. Licences must be held on board the eligible vessel at all times and presented to the inspection authorities on the occasion of any inspection.

CHAPTER III

Fees

1. Fees shall be calculated for each vessel on the basis of the rates laid down in the fishing datasheets included in the Protocol.
2. They shall be payable in quarterly periods with the exception of the shorter periods stipulated in the Agreement or consequent on its application, in which case they shall be payable pro rata for the actual duration of the licence.
3. A quarter shall consist of one of the three-month periods beginning 1 August, 1 November, 1 February or 1 May.

CHAPTER IV

Methods of payment

1. Payments shall be made in ecus as follows:

- (a) fees:
 - by transfer to one of the foreign accounts of the Central Bank of Mauritania payable to the Trésor de la Mauritanie,
 - (b) scientific observers' expenses:
 - by transfer to one of the foreign accounts of the Central Bank of Mauritania payable to the Trésor de la Mauritanie,
 - (c) fines:
 - by transfer to one of the foreign accounts of the Central Bank of Mauritania payable to the Trésor de la Mauritanie.
2. The amounts referred to in point 1 shall be considered as actually received on receipt of confirmation from the Treasury or the Ministry following notification by the Central Bank of Mauritania.

CHAPTER V

Communication of catch data

1. The duration of a voyage by a Community vessel shall be defined as follows:
- either the period elapsing between entering and leaving Mauritania's fishing zone,
 - or the period elapsing between entering Mauritania's fishing zone and a transhipment.
2. *Fishing log*
- 2.1. Masters of vessels other than tuna vessels and surface longliners shall keep a daily record of all the operations specified in the fishing log the model of which is attached as Appendix 2 to this Annex. This document must be completed legibly and signed by the master of the vessel.
- 2.2. Fishing logs from which entries have been omitted or which contain invalid information shall be deemed not to have been duly kept.
- 2.3. At the end of each voyage, the original of the fishing log shall be sent by the master of the vessel direct to the surveillance authorities. The shipowner must forward a copy of the log to the Delegation.
- 2.4. Failure to comply with the provisions of points 2.1, 2.2 or 2.3 shall entail, irrespective of the penalties laid down by Mauritanian law, automatic suspension of the fishing licence until the shipowner has met such obligations.
3. *Fishing log annex*
- 3.1. Masters of vessels shall keep the fishing log annex as shown in the model attached as Appendix 3 to this Annex. The log shall be completed legibly on each landing or transhipment and signed by the master of the vessel.
- 3.2. At the end of each landing, the shipowner shall send the original of the fishing log annex by mail to the surveillance authorities within a period of no more than 30 days.
- 3.3. At the end of each authorized transhipment, the shipowner shall immediately send the original of the fishing log annex to the surveillance authorities.
- 3.4. Failure to comply with the provisions of points 3.1, 3.2 or 3.3 shall entail automatic suspension of the fishing licence until the shipowner has met such obligations.
4. *Quarterly catch declarations*
- 4.1. By the end of the third month of each quarter the Commission shall notify the Ministry of the quantities caught in the previous quarter by all Community vessels.
- 4.2. This information should be broken down by month, by type of fishing, by vessel and by species.
- 4.3. This system shall be implemented within a period of no more than one and a half years after the entry into force of this Agreement.
5. *Reliability of data*
- The information in the documents referred to in points 1, 2, 3 and 4 above must reflect the actual fishing situation in order to constitute one of the bases for monitoring changes in fishery stocks.

CHAPTER VI

By-catches

1. In accordance with Mauritanian law, the percentage of by-catches laid down in the datasheets in the Protocol shall be calculated at any time during fishing according to the total weight of the catch.
2. Should these percentages exceed the authorized by-catches, penalties shall be imposed in accordance with Mauritanian law and may result in the definitive prohibition of the offenders, the masters and the vessels from all fishing activities in Mauritania.
3. The keeping of crawfish on board vessels other than crawfish pot vessels shall be forbidden. Offenders shall be punished in accordance with Mauritanian law.

CHAPTER VII

Signing-on of Mauritanian seamen

1. Each Community vessel shall take on board Mauritanian seamen, including officers, trainee officers and the scientific observer for the duration of the voyage. There shall be at least:
 - 1.1. during the first three years of application of the Agreement:
 - 2 seamen on vessels of less than 200 GRT,
 - 3 seamen on vessels of at least 200 and less than 250 GRT,
 - 4 seamen on vessels of at least 250 and less than 300 GRT,
 - 5 seamen on vessels of 300 GRT or more.
 - 1.2. in subsequent years:
 - 3 seamen on vessels of less than 200 GRT,
 - 4 seamen on vessels of at least 200 and less than 250 GRT,
 - 5 seamen on vessels of at least 250 and less than 300 GRT,
 - 6 seamen on vessels of 300 GRT or more.
 - 1.3. Shipowners shall endeavour to take on board additional Mauritanian seamen;
 - 1.4. Shipowners shall be free to choose the Mauritanian seamen, officers and trainee officers to take on board their vessels.
2. The seamen's employment contracts shall be drawn up in Mauritania between the shipowners or their representatives and the seamen. The contracts shall cover the social security arrangements applicable to the seamen concerned, including life, accident and health insurance.
3. The pay conditions may not be less than those applying to the crews of Mauritanian vessels. The agreed wages shall be paid in accordance with the provisions of the contract of employment.
4. Owners of Community vessels shall ensure the same terms for the signing-on of Mauritanian seamen, officers and trainee officers as those reserved for seamen, officers and trainee officers of other countries.
5. Seamen shall report to the master of the vessel designated on the day before its proposed sailing date. If a seaman fails to report at the time scheduled for its departure, the vessel is authorized to leave the Mauritanian port once in possession of a certificate of absence for the seaman issued by the surveillance authorities.

The shipowner shall take all necessary steps to ensure that the number of seamen required by this Agreement sign on his vessel by the next trip at the latest.
6. Twice a year on 1 January and 1 July shipowners shall send the Ministry a list by vessel of Mauritanian seamen signed on board.

Pending receipt of the list, the issue of the licence shall be suspended.

7. Failure to comply with any of the provisions contained in point 1 shall be penalized in accordance with Mauritanian law and may entail the suspension or definitive withdrawal of the licence in case of repeated offending.

CHAPTER VIII

Technical inspection

1. Once a year and after any alteration in tonnage or changes to the fishing category necessitating the use of a different type of gear, any Community vessel shall report to the port of Nouadhibou to undergo the inspections required by the legislation in force. Such inspections shall take place within 48 hours of the vessel's putting into port.

By way of derogation from the previous paragraph, the technical inspection procedures applying to tuna vessels and surface longliners fishing for pelagic species shall be laid down in Chapters XIII and XIV of this Agreement.

2. When the inspection has been completed, the master of the vessel shall be issued with a certificate. This certificate must be kept on board at all times.
3. The technical inspection shall verify that the vessel's technical characteristics and gear conform to the provisions of the Agreement and that the provisions relating to its Mauritanian crew have been complied with.
4. The cost of the inspection, at the rates laid down by Mauritanian law, shall be borne by the shipowner. It may not be greater than the amount normally paid by other vessels for the same services.
6. Failure by the shipowner to comply with the provisions contained in points 1 and 2 above shall result in automatic suspension of the fishing licence until such obligations have been met.

CHAPTER IX

Vessel identification

1. The identification marks of all Community vessels must conform to the relevant Community legislation. The Ministry must be notified of such legislation before this Agreement enters into force. The Ministry must further be notified of any amendment to the legislation at least 30 days before its entry into force.
2. Any vessel attempting to disguise its external identification marks shall be liable to the penalties laid down in the legislation in force.

CHAPTER X

Suspension or withdrawal of licences

Where, in application of this Agreement and Mauritanian law, the Mauritanian authorities decide to suspend or withdraw definitively the licence of a Community vessel, the master of that vessel shall cease his fishing activities and make for the port of Nouadhibou. On his arrival at Nouadhibou, he shall send the original of his licence to the competent authorities. Once the required obligations have been duly completed, the Ministry shall notify the Commission of the lifting of the suspension and the licence shall be returned.

CHAPTER XI

Other infringements

1. With the exception of the cases specifically provided for in this Agreement, all other infringements shall be penalized in accordance with Mauritanian law.
2. In the event of serious or very serious fisheries infringements as defined by Mauritanian law, the Ministry reserves the right to prohibit the vessels, masters and, where applicable, the shipowners concerned, provisionally or definitively from all fishing activities in Mauritanian waters.

CHAPTER XII

Fines

The amount of fines imposed on Community vessels shall be calculated within minimum and maximum limits specified in Mauritanian law. This amount shall be decided in accordance with the procedure laid down in point 3 of Chapter VIII of Annex II.

CHAPTER XIII

Provisions relating to vessels fishing highly migratory species (tuna vessels and surface longliners)

1. By way of derogation from the provisions of Chapters I and II of Annex I, licences for tuna seiners shall be issued for a period of twelve months.

The original licence must be kept on board at all times and presented on request of the competent Mauritanian authorities.

However, on receipt of notification of payment of the advance sent to the Mauritanian authorities by the Commission, the vessel shall be entered on a list of vessels authorized to fish, which shall be sent to the Mauritanian authorities responsible for fisheries inspection. A copy of the said licence may be obtained by fax pending arrival of the licence itself; that copy shall be kept on board.

2. Before receiving its licence, each vessel must be presented for the inspections required by the legislation in force. By way of derogation from the provisions of Chapter VIII of this Annex, such inspections may be carried out in a foreign port to be agreed. All expenses linked to such inspection shall be borne by the shipowner.
3. The fee to be paid by the shipowner shall be set at ECU 20 per tonne caught within Mauritania's fishing zone.
4. Licences shall be issued following payment to one of the foreign accounts of the Central Bank of Mauritania, payable to the Trésor de la Mauritanie, of a lump sum corresponding to the advance specified in the datasheets in the Protocol.
5. A log-book in accordance with the ICCAT model in Appendix 4 to this Annex shall be kept on vessels for each fishing period spent in Mauritanian waters. It shall be filled in even when no catches are made.

The words 'Outside Mauritania's EEZ' shall be entered in the abovementioned log-book in respect of periods during which the said vessels are not in Mauritanian waters.

The log-books referred to in this paragraph shall be sent to the Mauritanian authorities within 15 working days of vessels arriving in a port.

Copies of these documents shall be sent to the scientific institutes referred to in the third subparagraph of paragraph 6 below.

6. The Mauritanian authorities shall draw up the statement of fees due for the past calendar year on the basis of the catch declarations for each Community vessel and of any other information in their possession.

The previous year's statement shall reach the Commission by 31 March which shall forward it simultaneously to the shipowners and national authorities of the Member States by 15 April.

Where the shipowners dispute the statement presented by Mauritania, they may request the relevant scientific institutes, e.g. France's Institut de la Recherche Scientifique et Technique d'Outre-Mer (Orstom) and the Instituto Español de Oceanografía (IEO), to verify the catch data before consulting with the Mauritanian authorities with a view to drawing up the final statement by 15 May of the current year. In the absence of any observations from the shipowners by that date, the statement drawn up by the Mauritanian authorities shall be deemed final. Member States shall forward to the Commission the final statements relating to their own fleets.

Any payment due in addition to the advance shall be made by the shipowners to Mauritania's fisheries authorities no later than 31 May of that year.

However, if the amount of the final statement is lower than the advance referred to in paragraph 4, the resulting balance shall not be reimbursable to the shipowner.

7. By way of derogation from Chapter I of Annex II, vessels shall be obliged within 3 hours of entering or leaving the zone to communicate their position and the volume of the catch on board direct to the Mauritanian authorities preferably by fax or, failing that, by radio.

The fax number and radio frequency shall be notified by the surveillance authorities.

A copy of the fax messages or of the record of radio communications shall be kept by the Mauritanian authorities and the shipowners until both parties have approved the final statement of fees referred to in paragraph 6.

8. By way of derogation from the provisions of Chapter VII of this Annex, owners of tuna seiners shall endeavour to sign on at least one Mauritanian seaman per vessel while pole-and-line tuna vessel operators must sign on three Mauritanian seamen per vessel for the duration of the voyage. This includes officers, trainee officers and scientific observers.
9. By way of derogation from point 1 of Chapter V of Annex II, one scientific observer per vessel may be taken on board tuna seiners for an agreed period at the request of the Mauritania authorities and by common agreement with the shipowners concerned.

CHAPTER XIV

Provisions applying to pelagic freezer trawlers

1. By way of derogation from the provisions of Chapters I and II of this Annex, licence applications must reach the Ministry no later than seven days before the start of fishing operations accompanied by proof of payment and the documents attesting to the technical characteristics.

The Ministry shall draw up the fishing licences on presentation of the certificate of receipt of payment issued by the Mauritanian public treasury.

The fishing licence shall be held on board each vessel. If for practical reasons the original licence cannot be delivered to the vessel, a copy or fax may also be kept on board.

In very exceptional cases, the Ministry may grant provisional authorizations of limited duration to vessels in respect of which the Mauritanian public treasury has not yet received payment of the licence fees provided that the Ministry is in possession of proof of payment.

Licences shall be issued for periods of at least a month. The validity of a licence shall in all cases cover periods of half a month.

In cases of *force majeure*, shipowners may, once they have suspended the licence of the vessel affected, use the remaining period of validity of the licence in question as credit towards a new licence for a replacement vessel.

2. By way of derogation from the provisions of Chapter VIII of this Annex, prior inspections of vessels shall take place in Europe. The travel and subsistence expenses of two persons designated by the Ministry to carry out the said inspections shall be payable by the shipowners.

3. The fees, inclusive of all national and local charges and taxes, and the ceilings for catches by type of vessel are specified in the datasheets contained in the Protocol.

Shipowners shall pay a sum of ECU 18 to the Mauritanian public treasury for each tonne caught in excess of the ceiling fixed by type of vessel. Declarations of catch shall be drawn up by common agreement no later than one month after the end of each year.

The fees and any additional amounts due shall be paid to one of the Central Bank of Mauritania's foreign accounts payable to the Trésor de la Mauritanie.

4. In the event of a fall in the world market fob price set in Nouadhibou for the Mauritanian horse mackerel to under US \$ 300 or a rise to over US \$ 500 per tonne net, the Parties shall open negotiations with a view to adjusting the level of the fees.

5. By way of derogation from the provisions of Chapter I of Annex II, all vessels shall communicate to the surveillance authorities the date, the time and their position each time they enter or leave Mauritania's fishing zone, giving 12 hours advance notice when entering and 24 hours when leaving.
 6. By way of derogation from Chapter VII of this Annex, vessels must sign on Mauritanian seamen of whom at least:
 - 4, including one scientific observer, on board each vessel with a total crew of 30 or less,
 - 5, including one scientific observer, on board each vessel with a total crew of 30 or more.
 7. Vessels shall not be obliged to enter a Mauritanian port. However, shipowners must take all appropriate measures to transport the Mauritanian seamen and scientific observers at their expense.
 8. Vessels shall be obliged neither to land fishery products nor tranship consumables in Mauritanian territorial waters or ports, neither shall they be subject to export duties.
 9. If an offence is detected during an inspection, the master shall sign the statement to that effect. By way of derogation from point 2 of Chapter VIII of Annex II, the vessel shall thus be allowed to continue its fishing activities. The shipowners shall immediately contact the Ministry in order to reach a solution. If a solution cannot be found within 72 hours, the owners must provide a bank security covering the amount of any fines imposed.
-

Appendix 1

MAURITANIA — EUROPEAN COMMUNITY FISHERIES AGREEMENT
APPLICATION FORM FOR A FISHING LICENCE

I. APPLICANT

1. Name of shipowner:
2. Name of the shipowner's association or representative:
3. Address of the shipowner's association or representative:
4. Telephone: Fax: Telex:
5. Name of master: Nationality:

II. VESSEL:

1. Name of vessel:
2. Flying the flag of:
3. External registration number:
4. Home port:
5. Year and place of construction:
6. Radio call sign: Call frequency:
7. Type of hull: Steel Wood Polyester Other

III. TECHNICAL CHARACTERISTICS AND EQUIPMENT

1. Overall length: Width:
2. Tonnage (expressed in GRT):
3. Horsepower of main engine: Make: Type:
4. Type of vessel: Fishing category:
5. Fishing gear:
6. Crew complement:
7. Method of conservation on board: Chilling Refrigeration Mixed Freezing
8. Freezing capacity in tonnes/24 hours:
9. Hold capacity: Number:

Done at, on

Signature of applicant

.....

ANNEX II

COOPERATION IN THE MONITORING OF FISHING ACTIVITIES BY COMMUNITY VESSELS IN MAURITANIA'S FISHING ZONE

CHAPTER I

Entering and leaving the fishing zone

1. Except for tuna vessels and surface longliners and pelagic freezer trawlers, Community vessels operating under this Agreement must enter and leave Mauritania's fishing zone by one of two passages in the presence of the surveillance authorities:
 - the northern passage, the coordinates of which are 20°40'N — 17°04'W,
 - the southern passage, the coordinates of which are 16°20'N — 16°40'W.
2. Shipowners shall notify the surveillance authorities of their entry into and exit from Mauritania's fishing zone by telex, fax or mail to the numbers or address in Appendix 1 to this Annex.

The Delegation will be given fifteen days prior notice of any changes in the numbers or addresses for notification.
3. The notification referred to in point 2 shall be given in the following manner:
 - (a) *Entry*

Notice must be given at least 24 hours beforehand and contain the following particulars:

 - the position of the vessel at the time of notification,
 - the point of entry,
 - the day, date and time of entry,
 - the amount and species of catch held on board at that time, where vessels have previously stated that they hold a fishing licence for another fishing zone in the subregion, in which case the surveillance authorities will have access to the fishing log concerning that zone and the checks may last longer than the period laid down in point 5 of this Chapter.
 - (b) *Exit*

Notice must be given at least 48 hours beforehand in the case of the northern passage and at least 72 hours beforehand in the case of the southern passage. The following particulars must be provided:

 - the position of the vessel at the time of notification,
 - the point of exit,
 - the day, date and time of exit,
 - the amount and species of catch held on board at that time.
4. At each entry or exit, vessels shall tune their radios to the frequency of the surveillance authorities at least six hours before the time specified in the notification.
5. Controls should not normally exceed more than one hour on entry and three hours on exit.
6. In the event of the surveillance authorities being overdue or failing to appear, vessels may continue on their way once the periods laid down in point 5 have expired.

In the event of a vessel being overdue or failing to appear, the surveillance authorities may consider the entry or exit notice void once the periods laid down in point 5 have expired.
7. In the event of mass entries or exits, control operations shall be accelerated.
8. Failure to comply with the provisions of points 1 to 6 shall result in the following sanctions:

- (a) the first time:
- the vessel shall be diverted,
 - the catch on board shall be unloaded and confiscated on behalf of the Treasury,
 - the vessel shall pay the minimum fine provided for in Mauritanian law;
- (b) the second time:
- the vessel shall be diverted,
 - the catch on board shall be unloaded and confiscated on behalf of the Treasury,
 - the vessel shall pay a fine in accordance with Mauritanian law,
 - the licence shall be revoked for the remainder of its period of validity;
- (c) the third time:
- the vessel shall be diverted,
 - the catch on board shall be unloaded and confiscated on behalf of the Treasury,
 - the licence shall be definitively revoked,
 - the master and the vessel shall be banned from exercising their activities in Mauritania.

CHAPTER II

Innocent passage

When Community fishing vessels are exercising their right of innocent passage and navigation in Mauritania's fishing zone in accordance with the United Nations Convention on the Law of the Sea and relevant national and international legislation, they shall keep all their fishing gear stowed on board in such a way that it cannot be immediately utilized.

CHAPTER III

Transshipment

1. The catches of Community vessels shall be transhipped within Mauritanian ports.
2. Any Community vessel wishing to tranship catches shall be subject to the procedure laid down in points 3 and 4.
3. The owners of such vessels shall notify the surveillance authorities at least 24 hours beforehand, using the means of communications specified in point 2 of Chapter I of this Annex, of the following:
 - the names of the transhipping fishing vessels,
 - the name of the cargo vessels,
 - the tonnage by species to be transhipped,
 - the day, date and time of transshipment.
4. Transshipment shall be considered as an exit from Mauritania's fishing zone. Vessels must therefore provide the surveillance authorities with the originals of the fishing log and the fishing log annex and state whether they intend to continue fishing or leave Mauritania's fishing zone.
5. Any transshipment of catches not covered by points 1 to 4 shall be prohibited in Mauritania's fishing zone. Any person infringing this provision shall be liable to the penalties provided for by Mauritanian law.

CHAPTER IV

Inspection and controls

1. Masters of Community fishing vessels shall allow and facilitate boarding and the discharge of their duties by any Mauritanian official responsible for the inspection and control of fishing activities.

These officials shall not remain on board for longer than is necessary for the discharge of their duties.

2. The Community hereby undertakes to maintain the specific monitoring programming in Community ports. Summaries of reports on the controls carried out shall be sent periodically to the Ministry.

CHAPTER V

Mauritanian scientific observers on board Community vessels

A system for observation on board Community vessels is hereby established.

1. Any Community vessel holding a licence for Mauritania's fishing zone, except for tuna seiners, shall take on board a Mauritanian scientific observer. There shall be only one observer at a time per vessel.

The Ministry shall supply the Commission each quarter before licences are issued with a list of vessels designated to take on board an observer.

2. The period spent by an observer on board a vessel shall be one trip. However, at the express request of the Ministry this period may be spread over several trips according to the average duration of trip for a particular vessel. This request will be made by the Ministry, when the name of the observer designated to board the vessel in question is notified.

Likewise, in the event of a trip being curtailed, the observer may have to make a further voyage on the same vessel.

3. The Ministry shall inform the Commission of the names of designated observers, provided with the requisite documents, at least seven working days before the scheduled date of their embarkation.

4. All costs arising out of the activities of observers, including their salary, emoluments and allowances shall be borne by the Ministry. If an observer is taken on board or disembarked at a foreign port, travelling expenses and daily allowances shall be borne by the shipowner until the observer boards the vessel or arrives at a Mauritanian port.

5. Masters of vessels designated to take on board a scientific observer shall make all the arrangements to facilitate boarding and disembarkation by the observer.

The observer shall enjoy the same treatment on board as the vessel's officers.

The observer shall be offered every facility needed to carry out his duties. The master shall give him access to the means of communication needed for the discharge of his duties, to documents directly concerned with the vessel's fishing activities, i.e. to the fishing log, the fishing log annex and navigation log, and to those parts of the vessel necessary to facilitate the exercise of his tasks as an observer.

6. The observer shall normally board and disembark at a Mauritanian port at the start of the trip, following notification of the list of designated vessels.

Within 30 days of that notification, the shipowners concerned shall give notice using the means of communication specified in Chapter I to this Annex, of the date and port selected for the taking on of the observer.

7. The observer must report to the master of the designated vessel the day before the proposed date of his embarkation. Should the observer fail to report at the time specified, the vessel is entitled to leave the Mauritanian port with a certificate from the surveillance authorities confirming the absence of an observer.

8. Shipowners shall contribute ECU 3 per GRT per quarter per vessel to the costs of scientific observation. This contribution shall be payable at the same time as, and be additional to, the fee payable by the shipowner.

9. Failure by a shipowner to comply with the provisions relating to observers shall result in the automatic suspension of the fishing licence until the shipowner has complied with these obligations.
10. The scientific observer shall have:
 - a professional qualification,
 - adequate fisheries experience, and
 - a thorough understanding of this Agreement and the Mauritanian rules applicable.
11. The scientific observer shall ensure that the Community vessel operating in Mauritania's fishing zone comply with the terms of this Agreement.

He shall compile a report on this subject. In particular, he shall:

 - observe the fishing activities of vessels,
 - verify the position of vessels engaged in fishing operations,
 - take biological samples as part of scientific programmes,
 - record particulars of the fishing gear and the mesh size of the nets used,
 - verify the entries in the fishing log.
12. Observation shall be confined to fishing activities and related activities governed by this Agreement.
13. The scientific observer shall:
 - take all appropriate steps to ensure that the conditions of his boarding and his presence on the vessel neither interrupt nor hamper fishing operations,
 - use the instruments and procedures approved for measuring the mesh size of nets used under this Agreement, and
 - treat with due care property and equipment on board the vessel and respect the confidentiality of all the vessel's papers.
14. At the end of the observation period and before leaving the vessel the observer shall draw up a report in accordance with the model in Appendix 2 to this Annex. He shall sign it in the presence of the master, who may add or cause to be added to it any observations which he considers relevant, followed by his signature. A copy of the report shall be handed to the master when the observer is put ashore.
15. The competent authorities receiving reports from scientific observers shall be obliged to check their content and conclusions as soon as possible.

Should the competent authorities find that infringements have been committed they shall take appropriate action including, in accordance with their national laws, the initiation of administrative proceedings against the natural or legal persons responsible. The proceedings initiated must, in accordance with the relevant provisions of national law, be such as effectively to deprive those responsible of any material gain from the infringement or to produce effects proportional to the gravity of the infringement so as effectively to discourage other infringements of the same nature.

Should the port of disembarkation be situated in a Member State other than the flag Member State the former shall inform the flag Member State of the measures taken.

CHAPTER VI

Mutual observation system for shore-based controls

The Contracting Parties agree to set up a mutual observation system for shore-based controls with a view to improving their effectiveness.

1. Objectives

To attend the controls and inspections carried out by the national inspection authorities in order to ensure compliance with the provisions of the Agreement.

2. *Status of observers*

The competent authorities of each Contracting Party shall designate an observer and notify his name to the other Contracting Party.

This observer should have:

- a professional qualification,
- appropriate experience in the fisheries field, and
- thorough knowledge of the provisions of the Agreement.

Inspections shall be carried out by the national inspection authorities and the observer in attendance may not, on his own initiative, exercise the powers of inspection conferred on national officials.

When accompanied by national officials, the observer shall have access to the vessels, premises and documents subject to inspection by the said officials.

3. *Duties of observers*

The observer shall accompany the national inspection authorities on their visits to the ports, on board ships in dock, to public auction houses, fish wholesalers' shops, cold stores and other premises for unloading and stocking fish before it is placed on the market.

The observer shall draw up and submit a report every four months detailing the inspections attended. This report shall be addressed to the competent authorities who shall send a copy to the other Contracting Party.

4. *Implementation*

The competent inspection authority of each Contracting Party shall give 10 days written notice to the other Contracting Party of the shore inspections, on a case-by-case basis, which it intends to carry out.

The other Contracting Party shall give five days notice of its intention to send an observer.

The duration of the observer mission should not exceed 15 days.

5. *Confidentiality*

The observer shall respect the goods and equipment on board the vessel, and any other installations, and also the confidentiality of all documents to which he has access.

He shall disclose information on the results of his work solely to his competent authorities.

6. *Location*

This programme will be implemented in the Community ports of landing and Mauritanian ports.

7. *Financing*

Each Contracting Party shall bear the costs of his observer, including travel and board.

CHAPTER VII

Continuous satellite tracking system

Pending the implementation of a national satellite monitoring system for fishing vessels of similar type operating in Mauritania's fishing zone, the Contracting Parties agree to implement a private satellite tracking project for Community vessels.

1. *Objectives*

Continuous tracking by satellite of Community fishing vessels in Mauritania's fishing zone will enable direct administration of the provisions on fishing effort and geographical restrictions. Furthermore, it will allow for targeted inspections at sea and retrospective controls of the zones declared in the fishing log.

2. *Implementation*

The Contracting Parties agree to set up a working group to define the procedures for setting up, implementing and financing the project, which shall enter into force on 1 August 1997.

CHAPTER VIII

Procedure in the event of boarding1. *Transmission of information*

The Ministry shall inform the Delegation within 48 hours of any boarding of a Community fishing vessel operation in Mauritania's fishing zone and shall provide a brief report of the circumstances and reasons for this boarding.

2. *Statement of boarding*

After the Mauritanian surveillance authorities have drawn up a statement, the master of the vessel shall sign it.

This signature does not prejudice the rights of the master or any defence which he may make to the alleged infringement.

He shall take the vessel to the port of Nouadhibou. In the case of minor infringements, the surveillance authorities may authorize the vessel to continue its fishing activities.

3. *Settlement of boarding*

3.1. In accordance with this Agreement and Mauritanian law, infringements may be settled administratively or by legal proceedings.

3.2. In the case of an administrative settlement the amount of the fine shall be determined in accordance with Mauritanian legislation laying down minimum and maximum figures.

3.3. If there is no administrative settlement and the matter is brought before a competent judicial body, a bank security amounting to the equivalent in ecus of the maximum fine provided for in Mauritanian legislation shall be lodged by the shipowner with a bank designated by the Ministry.

3.4. The bank security shall be irrevocable until the legal proceedings have been concluded. It shall be released by the Ministry once legal proceedings end without a conviction. Similarly, in the event of a conviction leading to a fine of less than the security lodged, the balance shall be released by the Ministry.

3.5. The vessel shall be released and its crew authorized to leave the port:

- either as soon as the obligations imposed by the administrative settlement procedure have been completed on presentation of the receipt for the settlement, or
- when the bank security referred to in point 3.3 has been lodged and accepted by the Ministry, pending completion of the legal proceedings.

CHAPTER IX

Discarding at sea

The Contracting Parties shall look into the problem of discards from fishing vessels and shall examine ways of turning these to account.

CHAPTER X

Fight against illegal fishing

In an effort to curb illegal fishing activities in Mauritania's fishing zone which jeopardize fisheries management policy, the Contracting Parties agree to exchange information on these activities on a regular basis.

In addition to the measures already applied by the Contracting Parties under existing legislation, they shall consult one another on the possibility of taking supplementary joint or individual action. To this end, they shall step up cooperation, in particular on the fight against illegal fishing.

*Appendix 1***MAURITANIA — EUROPEAN COMMUNITY FISHERIES AGREEMENT
ADDRESS OF THE SURVEILLANCE AUTHORITIES**

1. Address: Boîte postale 260
Nouadhibou
Mauritania
2. Tel: (22 22) 456 26
3. Fax: (22 22) 457 01
4. Telex:
5. Radio frequency:

Mauritania will communicate details specific to the Agreement by 15 July 1996.

Appendix 2

MAURITANIA — EUROPEAN COMMUNITY FISHERIES AGREEMENT
 REPORT OF THE MAURITANIAN SCIENTIFIC OBSERVER

Name of observer:

Vessel: Nationality:
 Number and port of registration:
 Identity marking: Tonnage (GRT): Power (HP):
 Licence: No: Type:
 Master's name: Nationality:

Boarded: date:, port:
 Disembarked: date:, port:

Authorized fishing method:
 Gear used:
 Mesh size and/or dimensions:
 Fishing zones frequented:
 Distance from coast:
 Number of Mauritanian crew on board:
 Entry into / / and departure / / from the fishing zone

Observer's estimate						
Overall production (kg):, declared on GT						
By-catches: species, estimated: %						
Discards: species:, Quantity (kg):						
Species retained						
Quantity (kg)						
Species retained						
Quantity (kg)						

Observer's findings		
Nature of findings	Date	Position

Observer's comments (general):

.....

.....

.....

Done at, on

Observer's signature

.....

Master's comments:

.....

.....

Copy of report received (date): Master's signature

.....

Report forwarded to:

Quality:

(seal)