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Contents

II *Non-legislative acts*

## INTERNATIONAL AGREEMENTS

2011/116/EU:

- ★ **Council Decision of 13 December 2010 on the signing, on behalf of the European Union, and the provisional application of the Protocol to the Partnership Agreement between the European Community and the Federated States of Micronesia on fishing in the Federated States of Micronesia** ..... 1

Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Federated States of Micronesia on fishing in the Federated States of Micronesia ..... 3

2011/117/EU:

- ★ **Council Decision of 18 January 2011 on the conclusion of the Agreement between the European Union and Georgia on the facilitation of the issuance of visas** ..... 33

Agreement between the European Union and Georgia on the facilitation of the issuance of visas ..... 34

2011/118/EU:

- ★ **Council Decision of 18 January 2011 on the conclusion of the Agreement between the European Union and Georgia on the readmission of persons residing without authorisation** 45

Price: EUR 4

(Continued overleaf)

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

**Agreement between the European Union and Georgia on the readmission of persons residing without authorisation ..... 47**

REGULATIONS

**★ Council Regulation (EU) No 156/2011 of 13 December 2010 concerning the allocation of the fishing opportunities under the Protocol to the Partnership Agreement between the European Community and the Federated States of Micronesia on fishing in the Federated States of Micronesia ..... 66**

## II

*(Non-legislative acts)*

## INTERNATIONAL AGREEMENTS

## COUNCIL DECISION

of 13 December 2010

**on the signing, on behalf of the European Union, and the provisional application of the Protocol to the Partnership Agreement between the European Community and the Federated States of Micronesia on fishing in the Federated States of Micronesia**

(2011/116/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43 in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) On 25 April 2006 the Council adopted Regulation (EC) No 805/2006 concerning the conclusion of the Partnership Agreement between the European Community and the Federated States of Micronesia on fishing in the Federated States of Micronesia<sup>(1)</sup> (hereinafter 'the Partnership Agreement').

(2) A Protocol setting out the fishing opportunities and financial contribution provided for in the Partnership Agreement (hereinafter 'the previous Protocol') was attached to the Partnership Agreement. The previous Protocol expired on 25 February 2010.

(3) The Union subsequently negotiated with the Federated States of Micronesia (hereinafter 'Micronesia') a new Protocol (hereinafter 'the Protocol') to the Partnership Agreement, providing EU vessels with fishing opportunities in the waters over which Micronesia has sovereignty and jurisdiction in respect of fisheries.

(4) On conclusion of those negotiations, the Protocol was initialled on 7 May 2010.

(5) According to Article 15 of the Protocol, it is to be applied provisionally from the date of its signing.

(6) In order to guarantee a rapid resumption of fishing activities by EU vessels, it is essential that the Protocol be applied as quickly as possible taking into account that the previous Protocol has already expired.

(7) The Protocol should be signed and should be applied on a provisional basis, pending the completion of the procedures for its conclusion,

HAS ADOPTED THIS DECISION:

*Article 1*

The signing of the Protocol setting out the fishing opportunities and financial contribution provided for in the Partnership Agreement between the European Community and Federated States of Micronesia on fishing in the Federated States of Micronesia (hereinafter 'the Protocol') is hereby approved on behalf of the Union, subject to the conclusion of said Protocol.

The text of the Protocol is attached to this Decision.

*Article 2*

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Protocol on behalf of the Union, subject to its conclusion.

<sup>(1)</sup> OJ L 151, 6.6.2006, p. 1.

*Article 3*

The Protocol shall be applied on a provisional basis as from the date of its signature <sup>(1)</sup>, in accordance with Article 15 thereof, pending the completion of the procedures for its conclusion.

*Article 4*

This Decision shall enter into force on the day of its adoption.

Done at Brussels, 13 December 2010.

*For the Council*  
*The President*  
K. PEETERS

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<sup>(1)</sup> The date of the signature of the Protocol will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

## PROTOCOL

### setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Federated States of Micronesia on fishing in the Federated States of Micronesia

#### Article 1

##### Period of application and fishing opportunities

1. FSM shall grant annual fishing opportunities to the European Union tuna fishing vessels pursuant to Article 6 of the Fisheries Partnership Agreement, in conformity with Title 24 of the Code of the FSM and within the limits established by the Western and Central Pacific Fisheries Commission (WCPFC) conservation and management measures (CMM) and in particular CMM 2008-01.

2. For a period of 5 years from the date of entry into force of this Protocol the fishing opportunities foreseen under Article 5 of the Fisheries Partnership Agreement shall provide annual fishing authorisations to fish within FSM EEZ for six purse seine vessels and 12 long-liners.

3. Paragraphs 1 and 2 shall apply subject to Articles 5, 6, 8 and 10 of this Protocol.

#### Article 2

##### Financial contribution — methods of payment

1. The financial contribution referred to in Article 7 of the Fisheries Partnership Agreement shall be EUR 559 000 per year for the period referred to in Article 1, paragraph 2:

2. This financial contribution shall comprise:

(a) an annual amount for the access to FSM EEZ of EUR 520 000 equivalent to a reference tonnage of 8 000 tonnes per year less EUR 111 800; and

(b) a specific amount of EUR 150 800 per year for the support and implementation of FSM sectoral fisheries policy.

3. Paragraph 1 of this Article shall apply subject to Articles 4, 5 and 6 of this Protocol and to Articles 13 and 14 of the Fisheries Partnership Agreement.

4. If the total quantity of tuna catches per year by European Union vessels in the FSM EEZ exceeds 8 000 tons, the total annual financial contribution shall be increased by EUR 65 per additional ton of tuna caught. However, the total annual amount to be paid by the European Union cannot exceed a

sum more than double the amount of the financial contribution referred to in paragraph 2(a). Where the quantities caught by European Union vessels exceed the quantities corresponding to twice the amount indicated in paragraph 2(a), the Parties shall consult each other as soon as possible in order to establish the amount due for the quantity caught in excess of this limit.

5. Payment shall be made no later than 45 days after the entry into force of the Protocol to the Fisheries Partnership Agreement for the first year and no later than the anniversary date of this Protocol for the following years.

6. FSM shall have full discretion regarding the use to which the financial contribution as specified in Article 2, paragraph 2(a) is put.

7. The financial contribution shall be paid into the FSM National Government Account at the Bank of FSM Micronesia in Honolulu, Hawaii. The banking details are as follows:

— Bank of FSM Micronesia, Honolulu Hawaii

— ABA Number 1213-02373

— Credit to Bank of FSM account number 08-18-5018

— Account Holder: FSM National Government

8. Copies of payments or wire transfers shall be forwarded to FSM National Oceanic Resource Management Authority (NORMA) as evidence of payments made.

#### Article 3

##### Promotion of responsible fishing in FSM waters

1. As soon as this Protocol enters into force and no later than 3 months after that date, the European Union and FSM shall agree, within the Joint Committee provided for in Article 9 of the Fisheries Partnership Agreement, on a multiannual sectoral programme and detailed implementing rules covering, in particular:

(a) annual and multiannual guidelines for using the financial contribution referred to in Article 2 paragraph 2(b) for the initiatives to be carried out each year;

(b) the objectives, both annual and multiannual, to be achieved with a view to introducing and promoting, over the long term, responsible fishing and sustainable fisheries, taking account of the priorities expressed by FSM in its national fisheries policy and other policies relating to or having an impact on the enhancement of responsible fishing and sustainable fisheries;

(c) criteria and procedures for evaluating the results obtained each year.

2. Any proposed amendments to the multiannual sectoral programme must be approved by both parties within the Joint Committee.

3. Each year, FSM shall allocate, if appropriate, an additional amount to the financial contribution referred to Article 2 paragraph 2(b) with a view to implementing the multiannual programme. This allocation must be notified to the European Union. FSM shall notify the European Commission of the new allocation no later than 45 days before the anniversary date of this Protocol.

4. Where the annual evaluation of the progress made in implementing the multiannual sectoral programme so warrants, the European Commission may ask for the share of the financial contribution referred to in Article 2 paragraph 2(b) of this Protocol to be reduced with a view to bringing the actual amount of financial resources allocated to implementation of the programme into line with its results.

#### Article 4

##### Scientific cooperation for responsible fishing

1. Both Parties hereby undertake to promote responsible fishing in the FSM EEZ based on the principle of non-discrimination between the different fleets fishing in those waters.

2. During the period covered by this Protocol, the European Union and FSM shall ensure the sustainable use of the fishery resources in the FSM EEZ.

3. The parties undertake to promote cooperation at sub-regional level on responsible fishing and, in particular, within the WCPFC and any other sub-regional or international organisation concerned.

4. In accordance with Article 4 of the Fisheries Partnership Agreement, Article 4 paragraph 1 of this Protocol and in light of the best available scientific advice, the Parties shall consult each other within the Joint Committee provided for in Article 9 of the Fisheries Partnership Agreement and adopt, where appropriate, measures in respect of the activities of European Union vessels authorised by this Protocol and licensed according to the Annex to ensure sustainable management of the fishery resources in the FSM EEZ.

#### Article 5

##### Adjustment of fishing opportunities by mutual agreement

The fishing opportunities referred to in Article 1 of this Protocol may be adjusted by mutual agreement insofar as the recommendations of WCPFC corroborate that such an adjustment will secure the sustainable management of FSM resources. In this case the financial contribution referred to in Article 2 paragraph 2(a) of this Protocol shall be adjusted proportionately and pro rata temporis.

#### Article 6

##### New fishing opportunities

1. Should European Union vessels be interested in fishing opportunities which are not indicated in Article 1 of this Protocol, such interest should be made known to the FSM in the form of an expression of interest or request. The granting of such request will be made only in accordance with FSM Laws and Regulations and may be the subject of another agreement.

2. The Parties may carry out joint exploratory fishing surveys in FSM EEZ in accordance with FSM Laws and Regulations. To this end and subject to scientific assessment, they shall hold consultations whenever one of the Parties so request and determine, on a case-by-case basis, relevant new resources, conditions and other parameters.

3. The Parties shall carry out exploratory fishing activities in accordance with FSM Laws and Regulations by mutual agreement. The authorisations for exploratory fishing shall be granted for test purposes, for a duration and a starting date to be decided by mutual agreement between the two Parties.

4. Where the Parties conclude that the exploratory surveys have produced positive results, while preserving ecosystems and conserving living marine resources, new fishing opportunities may be awarded to European Union vessels following consultation between the two Parties.

#### Article 7

##### Conditions governing fishing activities — exclusivity clause

1. European Union vessels may fish in FSM EEZ only if they are in possession of a valid fishing authorisation issued by FSM NORMA under this Protocol.

2. For fishing categories not covered by the Protocol in force, and for exploratory fishing, the FSM NORMA may grant fishing authorisations to European Union vessels. However, the granting of these authorisations is subject to FSM Laws and Regulations and mutual agreement.

*Article 8***Suspension and review of the payment of the financial contribution**

1. The financial contribution referred to in Article 2 paragraphs 2(a) and 2(b) of this Protocol shall be reviewed or suspended if:

- (a) unusual circumstances, other than natural phenomena, prevent fishing activities in FSM EEZ; or
- (b) following significant changes in the policy guidelines which led to the conclusion of this Protocol, either one of the Parties requests a review of the provisions with a view to a possible amendment thereof; or
- (c) the European Union ascertains a breach of essential and fundamental elements on human rights as laid out by Article 9 of the Cotonou Agreement, in FSM.

2. The European Union reserves the right to suspend, totally or partially, the payment of the specific contribution provided for in Article 2 paragraph 2(b) of this Protocol:

- (a) where the results obtained are found to be inconsistent with the programming following the evaluation carried out within the Joint Committee; or
- (b) in case FSM fails to execute this specific contribution.

3. Payment of the financial contribution shall recommence once the situation has returned to the status prior to the occurrence of the above mentioned circumstances and following consultation and agreement of the two Parties confirming that the situation is likely to allow a return to normal fishing activities.

*Article 9***Suspension and reinstatement of fishing authorisation**

FSM reserves the right to suspend fishing authorisations provided for in Article 1 paragraph 2 of this Protocol where:

- (a) a specific vessel is in a serious violation as defined by FSM Laws and Regulations; or
- (b) a court order issued in relation to a violation of a specific vessel has not been respected by the shipowner. Once the court order has been respected, the fishing authorisation for the vessel shall be reinstated for the remaining period of the fishing authorisation.

*Article 10***Suspension of the implementation of the Protocol**

1. Implementation of the Protocol shall be suspended at the initiative of either one of the Parties if:

- (a) unusual circumstances, other than natural phenomena, prevent fishing activities in FSM EEZ; or
- (b) the European Union fails to make the payments provided for in Article 2, paragraph 2(a) of this Protocol for reasons not covered by Article 8 of this Protocol; or
- (c) a dispute between the Parties over the interpretation of this Protocol or its implementation arises; or
- (d) either one of the Parties does not respect the provisions laid out by of this Protocol; or
- (e) following significant changes in the policy guidelines which led to the conclusion of this Protocol, either one of the Parties requests a review of the provisions with a view to a possible amendment thereof; or
- (f) either one of the Parties ascertains a breach of essential and fundamental elements on human rights as laid out by Article 9 of the Cotonou Agreement.

2. Implementation of the Protocol may be suspended at the initiative of one Party if the dispute between the Parties is deemed to be serious and if the consultations held between the two Parties have not resulted in an amicable settlement.

3. Suspension of implementation of the Protocol shall require the Party concerned to notify its intention in writing at least 3 months before the date on which suspension is due to take effect.

4. In the event of suspension of implementation, the Parties shall continue to consult with a view to finding an amicable settlement to their dispute. Where such settlement is reached, implementation of the Protocol shall resume and the amount of the financial contribution shall be reduced proportionately and pro rata temporis according to the period during which implementation of the Protocol was suspended.

*Article 11***National laws and regulations**

1. The activities of European Union fishing vessels when operating in FSM EEZ shall be governed by the applicable Laws and Regulations in FSM, unless otherwise provided for in the Agreement, this Protocol and the Annex and Appendices hereto.

2. FSM shall inform the European Commission of any changes or new legislation which is related to fisheries policy, at least 3 months before the entry into force of such changes or new legislation.

*Article 12*

**Repeal of the previous Protocol**

This Protocol and its annexes repeal and replace the Protocol setting out the fishing opportunities and financial contribution provided for in the Partnership Agreement between the European Community and the Federated States of Micronesia on fishing in the Federated States of Micronesia, which entered into force on 26 February 2007.

*Article 13*

**Duration**

This Protocol and the annexes hereto shall apply for a period of 5 years, unless notice of termination is given in accordance with Article 14 of this Protocol.

*Article 14*

**Termination**

1. In the event of termination of the Protocol, the Party concerned shall notify the other Party in writing of its

intention to terminate it at least 6 months before the date on which such termination would take effect. Dispatch of the notification referred to in the previous paragraph shall open consultations by the Parties.

2. Payment of the financial contribution referred to in Article 2 of this Protocol for the year in which the termination takes effect shall be reduced proportionately and pro rata temporis.

*Article 15*

**Provisional application**

This Protocol shall be applied provisionally from the date of the signature.

*Article 16*

**Entry into force**

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

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## ANNEX

**CONDITIONS GOVERNING FISHING ACTIVITIES BY EUROPEAN UNION VESSELS IN THE FSM**

## CHAPTER I

**MANAGEMENT MEASURES**

## SECTION 1

***Issue of fishing authorisations (licences)***

1. Only authorised vessels may obtain a fishing authorisation to fish in the Exclusive Economic Zone of the Federated States of Micronesia (FSM EEZ).
2. For a vessel to be authorised, the owner and the master must have fulfilled all prior obligations arising from their fishing activities in the Federated States of Micronesia (FSM) under the Agreement. The vessel itself must be in good standing on the FFA Regional Register of Fishing vessels and WCPFC Record of Fishing Vessels.
3. All European Union vessels applying for a fishing authorisation must be represented by an agent resident in the FSM. The name, address and contact numbers of that agent shall be stated in the fishing authorisation application.
4. The European Commission shall present by e-mail (norma@mail.fm) to the Executive Director (Executive Director) of the National Oceanic Resource Management Authority (FSM NORMA) with copy to the Delegation of the European Union responsible for FSM (hereinafter 'the Delegation') an application for each vessel wishing to fish under the Agreement at least 30 days before the beginning of the requested term of validity.
5. Applications shall be submitted to the Executive Director on the appropriate forms as drawn up in accordance with the specimen in Appendix 1a in case of the first fishing authorisation application and Appendix 1b in case of fishing authorisation renewal.
6. FSM NORMA shall take all the necessary steps to ensure that the data received as part of the fishing authorisation application are treated as confidential. Those data shall be used exclusively in the context of the implementation of the Agreement.
7. All fishing authorisation applications shall be accompanied by the following documents:
  - (a) payment or proof of payment of the fee for the period of validity of the fishing authorisation;
  - (b) a copy of the tonnage certificate, certified by the Flag Member State, giving the tonnage of the vessel expressed in GRT or GT;
  - (c) a recent, certified colour photograph, of at least 15 cm x 10 cm, showing a side view of the vessel in its current state;
  - (d) any other documents or certificates required under the specific rules applicable to the type of vessel concerned pursuant to this Protocol;
  - (e) a certificate of good standing on the FFA Regional Register of Vessels and the WCPFC Record of Fishing Vessels;
  - (f) a copy of the Certificate of Insurance in English valid for the duration of the fishing authorisation;
  - (g) an application fee or proof of payment of EUR 460 per vessel;
  - (h) an observer contribution fee of EUR 1 500 per vessel.
8. All the fees shall be paid into the FSM National Government Account at the Bank of FSM Micronesia in Honolulu, Hawaii as follows:

— Bank of FSM Micronesia, Honolulu Hawaii

— ABA Number 1213-02373

- Credit to Bank of FSM account number 08-18-5018
  - Account Holder: FSM National Government
9. The fees shall include all national and local charges except for port taxes, service charges and transhipment fees.
  10. Fishing authorisations for all vessels shall be issued both electronically and in paper form to ship-owners with an electronic copy to the European Commission and to the Delegation within 30 working days of receipt of all the documents referred to in Chapter I Section 1 paragraph 7 of this Annex by the Executive Director. The electronic copy will still have to be replaced by the paper form once received.
  11. Fishing authorisations shall be issued for a specific vessel and shall not be transferable.
  12. At the request of the European Union and where force majeure is proven, a vessel's fishing authorisation shall be replaced by a new fishing authorisation for another vessel whose features are similar to those of the first vessel for the remaining period of the duration of the fishing authorisation, with no further fee due. The total catch by both vessels concerned will be taken into account when the level of catches by European Union vessels is taken into consideration to determine if any additional payments are to be made by the European Union according to Article 2 paragraph 4 of the Protocol.
  13. The owner of the first vessel shall return the fishing authorisation to be cancelled to the Executive Director via the Delegation.
  14. The new fishing authorisation shall take effect on the day the Executive Director issues the fishing authorisation and is valid for the remaining period for the duration of the first fishing authorisation. The Delegation shall be informed of the new fishing authorisation.
  15. The fishing authorisation must be kept on board at all times, prominently displayed in its wheelhouse, without prejudice to Chapter V Section 3 paragraph 1 of this Annex. For a reasonable period of time after issuance of the fishing authorisation, not to exceed 45 days, and pending receipt by the vessel of the original fishing authorisation, a document received electronically, or other documentation approved by the Executive Director, is a valid document and shall constitute sufficient evidence for purpose of surveillance, monitoring and enforcement of the Agreement. The document received electronically will still have to be replaced by the paper form once received.
  16. The two Parties shall seek agreement for the purposes of promoting the introduction of a fishing authorisation system based exclusively on the electronic exchange of all the information and documents described above. The two Parties shall seek agreement for the purposes of promoting the rapid replacement of the paper fishing authorisation by an electronic equivalent such as the list of vessels authorised to fish in FSM EEZ, as specified in paragraph 1 of this section.

## SECTION 2

### *Fishing authorisation conditions – fees and advance payments*

1. Fishing authorisations shall be valid for 1 year. They may be renewable. Renewal of fishing authorisations shall be subject to the number of available fishing opportunities established by the Protocol.
2. The fee shall be EUR 35 per tonne caught within the FSM EEZ.
3. Fishing authorisations shall be issued once the following standard amounts have been paid to the Account named in Chapter I, Section 1, paragraph 8 of this Annex:
  - (a) EUR 15 000 per tuna seiner vessel, equivalent to the fees due for 428 tonnes of tuna and tuna-like species caught per year. For the first year of implementation of this Protocol, the advance payment by the European Union ship-owners already paid in the previous Protocol shall apply; and
  - (b) EUR 4 200 per surface long-liner, equivalent to the fees due for 120 tonnes of tuna and tuna-like species caught per year.
4. The final statement of the fees due for the fishing year shall be drawn up by the European Commission by 30 June each year for the amounts caught during the year before and on the basis of the catch declarations made by each ship-owner. The data should be confirmed by the scientific institutes responsible for verifying catch data of the European Union (Institut de Recherche pour le Development (IRD), the Instituto Español de Oceanografía (IEO) or the Instituto Portugues de Investigaçao Maritima (IPIMAR).
5. The fee statement drawn up by the European Commission shall be transmitted to the Executive Director for verification and approval.

FSM NORMA may question the fee statement within 30 days from the invoice of the statement and, in case of disagreement, request the call of the Joint Committee.

If no objections are raised within 30 days from the invoice of the statement, the fee statement is considered to be accepted by FSM NORMA.

6. The final fee statement shall simultaneously be notified without delay to the Executive Director, the Delegation, and the ship-owners via their national administrations.
7. Any additional payments shall be made by the ship-owners to the FSM within forty-five (45) days from notification of the confirmed final statement into the Account named in Chapter I, Section 1, paragraph 8 of this Annex.
8. However, if the amount of the final statement is lower than the advance referred to in paragraph 3 of this Section, the resulting balance shall not be reimbursable to the ship-owner.

## CHAPTER II

### FISHING ZONES AND ACTIVITY

#### SECTION 1

##### *Fishing zones*

1. The vessels referred to in Article 1 of the Protocol shall be authorised to engage in fishing activities within FSM EEZ, except in the territorial waters and, named banks as depicted in charts: DMAHTC NO 81019 (2nd ed. March 1945; revised 7/17/72, corrected thru NM 3/78 of June 21, 1978, DMAHTC NO. 81023 (3rd ed. Aug. 7 1976) and DMAHATC NO 81002 (4th ed. Jan. 26, 1980 corrected thru NM 4/48). The Executive Director shall communicate to the European Commission any modification to the said closed areas at least 2 months before their application.
2. In any case, all fishing shall not be permitted within 2 nautical miles radius of any anchored fish-aggregating device of the Government of FSM, or any other citizen or entity for which notification of its location shall be given by geographical coordinates and 1 nautical mile from any submerged reef as depicted in the charts in paragraph 1 above.

#### SECTION 2

##### *Fishing activities*

1. Only fishing or tuna and tuna-like species shall be permitted by purse seine and longline vessels. Any incidental by-catch of a species of fish other than tuna shall be reported to FSM NORMA.
2. Fishing activities of the European Union vessels shall be done in accordance with the requirements of WCPFC conservation and management measures including CMM-2008-01.
3. No bottom fishing or coral fishing is permitted within the FSM EEZ.
4. European Union vessels shall be required to stow all fishing gear whenever such vessels are within the internal waters of each state, the Territorial Sea or within 1 mile of submerged reefs.
5. European Union vessels shall conduct all fishing activities in a manner which will not disrupt traditional, local-based fisheries, and shall release all turtles, marine mammals, seabirds and reef fish in a manner which will provide this miscellaneous catch with the greatest chance of survival.
6. European Union vessels, its master and operator shall conduct all fishing activities in a manner, which will not disrupt the fishing operations of other fishing vessels and shall not interfere with the fishing gear of other fishing vessels.

## CHAPTER III

### MONITORING

#### SECTION 1

##### *Catch recording arrangements*

1. Masters of vessels shall record in their fishing logsheet the information listed in Appendix 2a and 2b. Electronic submission of catch data/logsheets should apply to vessels over 24 meters from 1 January 2010 and gradually to vessels over 12 meters as of 2012. The Parties shall seek agreement for the purposes of promoting the introduction of catch data on system based exclusively on the electronic exchange of all the information described above. The two Parties shall seek agreement for the purposes of promoting the rapid replacement of the paper logsheet formats by electronic formats.

2. If no sets were made by a vessel for a particular day, or if a set is made and no fish are caught, the vessel master shall be required to record this information on the daily logsheet form. On days when no fishing operations are conducted, before midnight local time of that day, the vessel must record on the logsheet the fact that no operations were conducted.
3. Time and date of entries in and departures from FSM EEZ shall be recorded in logsheet immediately after entry in and departure from FSM EEZ.
4. For incidental by-catch of species other than tuna, the European Union vessels shall record the species of fish taken and the size and quantity of each species by weight or number, as specified in the logsheet whether the catch is kept on board the vessel or was returned to the sea.
5. The logsheets shall be filled in legibly on a daily basis and signed by the master of the vessel.

## SECTION 2

### *Catch communication arrangements*

1. For the purposes of this Annex, the duration of a fishing trip by the European Union vessel shall be defined as follows:
  - (a) either the period elapsing between entering and leaving FSM EEZ;
  - (b) or the period elapsing between entering FSM EEZ and a transhipment;
  - (c) or the period elapsing between entering FSM EEZ and a landing in the FSM port.
2. All European Union vessels authorised to fish in the FSM EEZ under the Agreement shall communicate their catches in the FSM EEZ to the Executive Director in the following manner:
  - (a) all signed logsheet forms shall be sent through Fisheries Monitoring Centre of Flag Member States to the Fisheries Monitoring Centre of FSM and to the European Commission by electronic means, within 5 days after each landing or transhipment operation;
  - (b) master of vessel shall send weekly catch report with information listed in Appendix 3 Part 3 to the Executive Director and to the European Commission. Weekly positions and catch reports shall be kept on board until the end of landing or transhipment operations.
3. Entering and leaving the zone:
  - (a) European Union vessels shall notify the Executive Director at least 24 hours in advance of their intention to enter and immediately upon departure from the FSM EEZ. As soon as the vessels enter the FSM EEZ, they shall inform the Executive Director by fax or e-mail in accordance with the specimen provided in Appendix 3 or by radio;
  - (b) when notifying departure, vessels shall also communicate their position and the volume and species in catches kept on board in accordance with the specimen provided in Appendix 3. These communications shall be made preferably by fax, but failing this, in the case of vessels without a fax, by e-mail or by radio.
4. Vessels found to be fishing without having informed the Executive Director shall be regarded as vessels without a fishing authorisation.
5. Vessels shall also be informed of the fax and telephone numbers and e-mail address of FSM NORMA when the fishing authorisation is issued.
6. Each European Union vessel shall make the logsheets and Catch Reports immediately available for inspection by enforcement officers and other individuals and entities authorised by FSM NORMA.

## SECTION 3

### *Vessel monitoring system*

1. Each European Union vessel shall be required to comply with the FFA Vessel Monitoring System (FFA VMS) currently applicable in the FSM EEZ when operating in the FSM EEZ. Each European Union vessel shall have installed on board, maintained, and fully operational at all times a mobile transmission unit (MTU) approved by FFA. The vessel and the operator agree not to tamper with, remove or have removed any MTU from the vessel after installation, except for the purposes of maintenance and repair as required. The operator and each vessel shall be responsible for the purchase, maintenance and operational costs of the MTU, and shall cooperate fully with FSM NORMA in its utilisation.

2. Paragraph 1 above does not preclude the Parties from considering alternative VMS options compatible with the WCPFC VMS.

#### SECTION 4

##### **Landing**

1. European Union vessels wishing to land catches in the ports of FSM shall do so within FSM designated ports. A list of these designated ports is provided as Appendix 4.
2. The owners of such vessels must notify the following information to the Executive Director and to the FMC Flag Member State at least 48 hours in advance in accordance to the specimen provided in Appendix 3 Part 4. If landings occur in a port outside EEZ of FSM, notification shall be made on the same conditions previously referred, to the port State where landing will take place and the FMC of Flag Member State.
3. Captains of European Union fishing vessels engaged in landing operations in an FSM port shall allow and facilitate the inspection of such operations by FSM inspectors. Once the inspection has been completed, a certificate shall be issued to the Captain of the vessel.
4. European Union vessels shall not discharge fish or by-catch into any port or give away fish or by-catch to any persons or entities without prior written authorisation by the appropriate authority in the affected FSM State and prior written approval from FSM NORMA.

#### SECTION 5

##### **Transhipment**

1. European Union vessels wishing to tranship catches in the waters of FSM shall do so within FSM designated ports. A list of these designated ports is provided as Appendix 4.
2. The owners of such vessels must notify the following information to the Executive Director at least 48 hours in advance.
3. Transhipment shall be considered as an end of a trip. Vessels must therefore submit their catch declarations to the Executive Director and state whether they intend to continue fishing or leave the FSM EEZ.
4. European Union vessels fishing in the FSM EEZ shall not tranship their catch at sea under any circumstances.
5. Any transhipment of catches not covered above shall be prohibited in the FSM EEZ. Any person infringing this provision shall be liable to the penalties under the FSM Laws and Regulations.
6. Captains of European Union fishing vessels engaged in transhipment operations in an FSM port shall allow and facilitate the inspection of such operations by FSM inspectors. Once the inspection has been completed, a certificate shall be issued to the Captain of the vessel.
7. European Union vessels shall not discharge fish or by-catch into any port or give away fish or by-catch to any persons or entities without prior written authorisation by the appropriate authority in the affected FSM State and prior written approval from FSM NORMA.

#### CHAPTER IV

##### **OBSERVERS**

1. At the time of lodging a fishing authorisation application, each European Union vessel concerned shall contribute an observer placement fee as specified in Chapter I Section 1 paragraph 7(h) into the Account named in Chapter I Section 1 paragraph 8 of this Annex, specifically for the observers programme.
2. European Union vessels authorised to fish in the FSM EEZ under the Agreement shall take on board observers on the terms set out below:

##### A. For purse seine vessels:

- European Union purse seine vessels shall carry at all times an observer appointed by either FSM Fisheries Observer Program or WCPFC Regional Observer Program (WCPFC ROP) while operating in the FSM EEZ.

- B. For longline vessels:
- (a) the Executive Director shall determine each year the scope of the programme for observation on board on the basis of the number of vessels authorised to fish FSM EEZ and the state of the resources targeted by those vessels. He/she shall determine accordingly the number or percentage of vessels which shall be required to take an observer on board;
  - (b) the Executive Director shall draw up a list of vessels designated to take an observer on board and a list of appointed observers. These lists shall be kept up to date. They shall be forwarded to the European Commission as soon as they have been drawn up and every 3 months thereafter where they have been updated;
  - (c) the Executive Director shall inform the ship-owners concerned, or their agents, of his intentions to take on board an appointed observer on their vessels at the time the fishing authorisation is issued, or no later than fifteen (15) days before the observer's planned embarkation date and whose name shall be notified as soon as possible;
  - (d) the time spent on board by observers shall be fixed by the Executive Director but, as a general rule, it should not exceed the time required to carry out their duties. The Executive Director shall inform the ship-owners or their agents thereof when notifying them of the name of the observer appointed to be taken on board the vessel concerned.
3. Subject to the provisions of this Chapter, paragraph 2A, the ship-owners concerned shall make known at which FSM ports and on what dates they intend to take observers on board 10 days prior to the date intended to take on the observer at the commencement of a trip.
  4. Where observers are taken on board in a foreign port, their travel costs shall be borne by the ship-owner. Should a vessel with an observer from FSM on board leave the FSM EEZ, all measures must be taken to ensure the observer's return to the FSM as soon as possible at the expense of the ship-owner.
  5. If the observer is not present at the time and place agreed and during the six (6) hours following the time agreed, ship-owners shall be automatically absolved of their obligation to take the observer on board.
  6. Observers shall be treated as officers. They shall carry out the following tasks:
    - (a) observe the fishing activities of the vessels;
    - (b) verify the position of vessels engaged in fishing operations;
    - (c) perform biological sampling in the context of scientific programmes;
    - (d) note the fishing gear used;
    - (e) verify the catch data for FSM EEZ recorded in the logsheet;
    - (f) verify the percentages of by-catches and estimate the quantity of discards of species of marketable fin-fish, crustaceans, cephalopods and marine mammals;
    - (g) report fishing data once a week by radio, including the quantity of catches and by-catches on board.
  7. Captains and masters shall permit authorised observers to board the authorised vessels operating within the FSM EEZ and shall do everything in their power to ensure the physical safety and welfare of observers during performance of their duties:
    - (a) the captain or master shall allow and assist such authorised observer to board the vessel for scientific, monitoring, and other functions;
    - (b) the captain or master shall assist the observer to have full access and to use facilities and equipment on board the vessel, which the authorised observer may determine necessary to carry out the observer's duties;

- (c) observers shall have access to the bridge, fish on board and areas, which may be used to hold, process, weigh and store fish;
  - (d) observers may remove a reasonable number of samples and shall have full access to the vessel's records, including its logs, catch reports, and documentation for the purpose of inspection and copying; and
  - (e) observers shall be allowed to gather any other information relating to fisheries in the FSM EEZ.
8. While on board, observers shall:
- (a) take all appropriate steps to ensure that their presence on the vessel does not interfere in the normal operation of the vessel; and
  - (b) respect the material and equipment on board and the confidentiality of all documents belonging to the said vessel.
9. At the end of the observation period and after debriefing an activity report is drawn up to be signed in the presence of the master who may provide additional comments considered relevant, followed by the master's signature. Copies of the report shall be provided to the master when the observer is put ashore and to the Delegation.
10. Ship-owners shall bear the cost of accommodating observers in the same conditions as the officers on the vessel.
11. The salary and social contributions of the observer shall be borne by FSM NORMA when the vessel is operating in the FSM EEZ.

#### CHAPTER V

### CONTROL AND ENFORCEMENT

#### SECTION 1

##### *Vessel identification*

1. For fisheries and marine safety purposes, every vessel shall be marked and identified in accordance with the Food and Agricultural Organisation (FAO) approved standard specification for the marking and identification of fishing vessels.
2. The letter(s) of the port or district in which the vessel is registered and the number(s) under which it is registered shall be painted or displayed on both sides of the bow, as high above the water as possible so as to be clearly visible from the sea and the air, in a colour contrasting with the background on which they are painted. The name of the vessel and her registration port shall be painted also on the bow and stern of the vessel.
3. FSM and the European Union may require if necessary, that the international radio call sign (IRCS), the number of International Maritime Organisation (IMO), or the external registration letters and numbers, be painted on top of the wheelhouse, so as to be clearly visible from the air, in a colour contrasting with the ground on which it is painted:
  - (a) the contrasting colours shall be white and black; and
  - (b) the external registration letters and numbers painted or displayed on the hull of the vessel shall not be removable, effaced, altered, illegible, covered or concealed.
4. Any vessel not displaying its name and radio call sign or signal letters in the prescribed manner may be escorted to an FSM port for further investigation.
5. A vessel operator shall ensure the continuous monitoring of the international distress and calling frequency (2 182) kHz (HF), and/or the international safety and calling frequency (156.8) MHz (Channel 16, VHF-FM) to facilitate communication with the fisheries management, surveillance and enforcement authorities of the FSM Government.
6. A vessel operator shall ensure that a recent and up to date copy of the International code of Signals (Interco) is on board and accessible at all times.

#### SECTION 2

##### *Communication with patrol vessels of Federated States of Micronesia*

1. Communication between the permitted vessels and the patrol vessels of the Government shall be made by international signal codes as follows:

International Signal Code – Meaning:

L	Stop immediately
SQ3	Stop or slow down, I wish to board your vessel
QN	Lay your vessel along the star board side of our vessel
QN1	Lay your vessel along the port side of our vessel
TD2	Are you a fishing vessel?
C	Yes
N	No
QR	We cannot lay our vessel alongside your vessel
QP	We will lay our vessel alongside your vessel

2. FSM shall provide to the European Commission a list of all Patrol Vessels to be used for fisheries control purposes. This list shall include all the details related with those vessels, namely: Name, Flag, Type, photo, identification external marks, IRCS and communication capability.
3. Patrol Vessel shall be clearly marked and identifiable as being on government use/service.

#### SECTION 3

##### **Vessel list**

The European Commission shall keep an up-to-date list of the vessels to which a fishing authorisation has been issued under the Protocol. This list shall be notified to the FSM authorities responsible for fisheries inspection as soon as it is drawn up and each time it is updated.

#### SECTION 4

##### **Applicable laws and regulations**

The vessel and its operators shall strictly comply with this Annex and laws and regulations of the FSM and its States. They should also comply with international treaties, conventions, and fisheries management agreements to which both the FSM and the European Union are a party. Failure to comply strictly with this Annex and with the laws and regulations of the FSM and its States may result in substantial fines and other civil and criminal penalties.

#### SECTION 5

##### **Control procedures**

1. Captains or masters of European Union vessels engaged in fishing activities in the FSM EEZ shall allow and facilitate boarding and the discharge of their duties by any FSM authorised enforcement official responsible for the inspection and control of fishing activities at any time within the FSM EEZ or the Territorial Waters or internal waters of each State of the FSM.
2. In order to facilitate safer inspection procedures, boarding should be conducted with prior notice sent to the vessel, including the identity of the inspection platform and the name of the inspector.
3. Enforcement officials shall have full access to the vessel's records, including its logsheets, Catch Reports, documentation and any electronic device used for recording or storing data, and the captain or master of the vessel shall permit such authorised officials to make notation on any permit issued by FSM NORMA or other documentation required under the Agreement.
4. The captain or master shall immediately comply with all reasonable instructions given by the authorised officials, and shall facilitate safe boarding, and facilitate the inspection of the vessel, gear, equipment, records, fish and fish products.
5. The vessel's captain, master or crew shall not assault, obstruct, resist, delay, refuse boarding, intimidate, or interfere with an authorised official in the performance of duties.



6. These officials shall not remain on board for longer than is necessary for the discharge of their duties.
7. Where the provisions set out in this Chapter are not complied with, FSM reserves the right to suspend the fishing authorisation of the offending vessel until formalities have been completed and to apply the penalty laid down in applicable FSM laws and regulations. The European Commission shall be informed thereof.
8. Once the inspection has been completed, a certificate shall be issued to the master of the vessel.
9. FSM shall ensure that all staff involved directly in the inspection of fishing vessels covered by this agreement will have the necessary skills to conduct a fisheries inspection and are familiar with the fisheries concerned. During the inspection on board the fishing vessels covered by this agreement, the fisheries inspectors of FSM shall ensure that the crew, vessel and her cargo are treated with full respect for international provisions foreseen on the WCPFC Boarding and Inspection Procedures.

#### SECTION 6

##### **Arrest procedure**

1. Arrest of fishing vessels
  - (a) The Executive Director shall inform the Delegation, within 24 hours, of all arrests and penalties imposed on European Union vessels in the FSM EEZ.
  - (b) The Delegation shall at the same time receive a brief report of the circumstances and reasons leading to the arrest.
2. Statement of arrest
  - (a) After the inspection officer has drawn up a statement, the master of the vessel shall sign it.
  - (b) This signature shall not prejudice the rights of the master or any defence which he may make to the alleged infringement.
  - (c) The master shall take the vessel to a port designated by the inspection officer. In the case of minor infringements, the Executive Director may authorise the boarded vessel to continue its fishing activities.
3. Consultation meeting in the event of arrest
  - (a) Before any measures regarding the master or the crew of the vessel or any action regarding the cargo and equipment of the vessel are considered, other than those to safeguard evidence relating to the presumed infringement, a consultation meeting shall be held, within one working day of the receipt of the above information, between the Delegation and the Executive Director, possibly attended by a representative of the Flag Member States concerned.
  - (b) At the meeting, the Parties shall exchange any relevant documentation or information helping to clarify the circumstances of the established facts. The ship-owner or its agent shall be informed of the outcome of the meeting and of any measures resulting from the arrest.
4. Settlement of arrest
  - (a) Before any judicial procedure, an attempt shall be made to resolve the presumed infringement through a compromise procedure. This procedure shall end no later than four (4) working days after the arrest.
  - (b) In the event of an amicable settlement, the amount of the fine shall be determined in accordance with FSM laws and regulations.
  - (c) If the case cannot be settled by amicable procedure and has to be brought before a competent judicial body, a bank security set to take account of the arrest costs and the fines and compensation payable by the parties responsible for the infringement shall be paid by the ship-owner into the Account named in Chapter I, Section 1, paragraph 8 of this Annex.
  - (d) The bank security shall be irrevocable until the legal proceedings have been concluded. It shall be released 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 competent judicial body in charge of the legal proceedings.
  - (e) The vessel shall be released and its crew authorised to leave the port:
    - (1) once the obligations arising under the amicable settlement have been fulfilled; or

- (2) when the bank security referred to in paragraph 4(c) has been lodged and accepted by the competent judicial body, pending completion of the legal proceedings.

#### CHAPTER VI

##### ENVIRONMENTAL RESPONSIBILITY

1. European Union vessels recognise the need to preserve the fragile (marine) environmental conditions of the lagoons and atolls of the FSM and the European Union vessels shall not discharge any substance that is likely to cause damage to, or deterioration in, the quality of marine resources.
2. Where bunkering, or any other transfer of any product included in the United Nations International Maritime Dangerous Goods (IMDG) code takes place during a fishing trip in the FSM EEZ, European Union vessels shall report such activity in accordance with the specimen provided in Appendix 3 Part 5.

#### CHAPTER VII

##### EMBARKING SEAMEN

1. Each European Union vessel fishing under the Agreement shall undertake to employ at least one (1) FSM seamen as a crew-member.
2. Ship-owners shall be free to select the seamen they take on board their vessels from the names on a list submitted by the Executive Director.
3. The ship-owner or agent shall inform the Executive Director of the names of FSM seamen taken on board the vessel concerned, mentioning their position in the crew.
4. The International Labour Organisation (ILO) Declaration on Fundamental Principles and Rights at Work shall apply as of right to seamen signed on by European Union vessels. This concerns in particular the freedom of association and the effective recognition of the right to collective bargaining, and the elimination of discrimination in respect of employment and occupation.
5. FSM seamen's employment contracts, a copy of which shall be given to the signatories, shall be drawn up between the ship-owners' agent(s) and the seamen and/or their trade unions or representatives in consultation with the Executive Director. These contracts shall guarantee the seamen the social security cover applicable to them, including life insurance and sickness and accident insurance.
6. FSM seamen's wages shall be paid by the ship-owners. They shall be fixed, before fishing authorisations are issued, by mutual agreement between the ship-owners or their agents and the Executive Director. However, the wage conditions granted to FSM seamen shall not be lower than those applied to FSM crews and shall under no circumstances be below ILO standards.
7. All seamen employed aboard European Union vessels shall report to the master of the vessel designated on the day before their proposed embarkation date. Where a seaman fails to report at the date and time agreed for embarkation, ship-owners shall be automatically absolved of their obligation to take the seaman on board.

#### CHAPTER VIII

##### OPERATOR LIABILITY

1. The operator shall ensure that its vessels are seaworthy and contain adequate life safety equipment and survival gear for each passenger and member of the crew.
  2. For the protection of the FSM, its States, and the citizens and residents thereof, the operator shall maintain adequate and complete insurance coverage on its vessel through an internationally recognised insurance carrier acceptable to FSM NORMA for FSM EEZ, including areas within the lagoons and atolls, the Territorial Sea and submerged reefs as evidenced by the Certificate of Insurance referred to in Chapter I Section 1 paragraph 7(f) of this Annex.
  3. In the event a European Union vessel is involved in a maritime accident or incident in FSM EEZ (including internal waters and the Territorial Sea), resulting in damages of any kind to the environment, to property or to any person, the vessel and the operator shall immediately notify FSM NORMA and the FSM Secretary of the Department of Transportation, Communications and Infrastructure.
-

*Appendices*

1. Fishing Authorisation Application Forms
    - a. Fishing Permit Application and Registration
    - b. Renewal Permit Application
  2. Catch Report Forms
    - a. Purse Seine Logsheet
    - b. Longline Logsheet
  3. Report Details
  4. List of Designated Ports in FSM
-

Appendix 1a



APPLICATION FOR REGISTRATION & PERMIT FOR FOREIGN FISHING VESSELS

National Oceanic Resource Management Authority

PO Box PS122

Palikir, Pohnpei FM 96941

Federated States of Micronesia

Phone: (691) 320-2700/5181

Fax: (691) 320-2383

E-mail: norma@mail.fm

INSTRUCTIONS:

- Applicant MUST sign and date the application; otherwise, not valid.
- Address means complete mailing address.
- Clearly mark  where appropriate.
- All units Metrics; specify units if other systems used.
- Affix a recent 6x8 inch color side photo of the vessel to this application, showing Vessel Name and Registration Number.
- Attach a copy of Forum Fisheries Agency (FFA) Regional Register and Vessel Monitoring System (VMS) Certificates.

If this vessel was registered before, specify:

Regional Requirements:

Old Vessel Name .....

Old Registration Number .....

Old International Radio Call Sign .....

FFA Registration Number .....

FFA VMS Registration No .....

Type of ALC .....

Vessel Identification:

Name of Vessel .....

Vessel Type: (Select as appropriate)

Single Purse Seiner       Fish Carrier/Reefer       Search Boat

Longliner       Bunker       Other (specify) .....

Pole and Liner       Group Purse Seiner

Country of Registration ..... Country of Registration Number .....

International Radio Call Sign .....

**Vessel**

**Vessel Operator/Charterer:**

**Owner:**

Name .....

Address .....

.....

.....

Name .....

Address .....

.....

.....

**Vessel**

**Fishing**

**Master:**

**Master:**

Name .....

Address .....

.....

.....

Name .....

Address .....

.....

.....

**Operational**

**Permit Details:** Select duration of permit as applicable and specify the preferred effective date.

**Base(s):**

Port 1/Country .....	<input type="checkbox"/> 1-year .....
Port 2/Country .....	<input type="checkbox"/> 6-months .....
Port 3/Country .....	<input type="checkbox"/> 3-months .....
Flag/State of Authorized Fishing Area .....	<input type="checkbox"/> Other (Specify): .....

**Vessels**

**Specifications:**

Hull Material: Steel  Wood  FRP  If other, specify .....

Year Built ..... Gross Tonnage .....

Place Built ..... Overall Length .....

Crew Size ..... Main Engines Power (specify units) ..... Fuel Carrying Capacity (kiloliters) .....

**Daily Freezing Capacity** (Select more than one, if appropriate):

Method			Capacity Metric tons / day	Temperature (c)
Brine (NaCl)	BR	<input type="checkbox"/>	.....	.....
Brine (CaCl)	CB	<input type="checkbox"/>	.....	.....
Air (Blast)	BF	<input type="checkbox"/>	.....	.....
Air (Coils)	RC	<input type="checkbox"/>	.....	.....
If other, specify .....			.....	.....

**Storage Capacity** (more than one, if appropriate):

Method			Capacity Cubic meters	Temperature (c)
Ice	IC	<input type="checkbox"/>	.....	.....
Refrigerated Sea Water	RW	<input type="checkbox"/>	.....	.....
Brine (NaCl)	BR	<input type="checkbox"/>	.....	.....
Brine (CaCl)	CB	<input type="checkbox"/>	.....	.....
Air (Coils)	RC	<input type="checkbox"/>	.....	.....
If other, specify .....			.....	.....

Complete either A, B, C or D below as appropriate.

**A. For Purse Seine Vessels:**

Helicopter Reg. No. .... Net Length (meters) .....

Helicopter Model .... Net Depth (meters) .....

Support Craft:

Name 1 ..... Type 1 .....

Name 2 ..... Type 2 .....

Name 3 ..... Type 3 .....

**B. For Purse Seine Vessels:**

Number of automatic poling devices (0 if none) .....

Bait Storage (more than one, if appropriate)

Circulation Method (x where appropriate)			Capacity (Cubic meters)
Natural	NN	<input type="checkbox"/>	.....
Circulation	CR	<input type="checkbox"/>	.....
Refrigerated	RC	<input type="checkbox"/>	.....

**C. For Longline Vessels:**

Average number of baskets ..... Mainline Length Km .....

Average number of hooks per basket .....

Maine line material .....

**D. For Support Vessels:**

Activities (more than one, if appropriate)

Refrigerated Carrier  Scouting Boat

Anchor Boat  Supply/Mothership

If other, specify .....

Fishing Vessel(s) Supported .....

.....

I declare that the above information is true and complete. I understand, I am required to report any changes to the above information immediately, and further understand that failure to do so may affect good standing on the FFA Regional Register. This application is filed pursuant to:

.....  
 Name of Agreement and/or Base Agreement Agreement Effective Date

**Applicant:**

State whether owner, charter or duly agent .....

Applicant Name: ..... Phone: .....

Address: ..... Fax: .....

..... E-mail: .....

.....

.....

Signature ..... Date: .....

\_\_\_\_\_

Appendix 1b



APPLICATION FOR PERMIT RENEWAL FOR FOREIGN FISHING VESSELS

National Oceanic Resource Management Authority

PO Box PS122

Palikir, Pohnpei FM 96941

Federated States of Micronesia

Phone: (691) 320-2700/5181

Fax: (691) 320-2383

E-mail: norma@mail.fm

INSTRUCTIONS:

- This application form is applicable ONLY to a vessel renewing her fishing permit under the same Fishing Access Agreement from which her first permit (or previous permits) was issued.
- Applicant MUST sign and date the application; otherwise, not valid.
- Address means complete mailing address.
- Clearly mark the boxes  where appropriate.

**Regional Requirements:**

FFA Registration Number .....

FFA VMS Registration Number .....

**Vessel Detail:**

Name of Vessel ..... Previous Permit No. ....

Country of Registration (Flag) .....

Flag State Registration Number ..... International Radio Call Sign .....

**Vessel Type (Gear):**

Single Purse Seiner                       Fish Carrier/Reefer                       Search Boat

Longliner                                       Bunker     Other (specify) .....

Pole and Liner                               Group Purse Seiner

**Permit Details:** Select the duration of permit as applicable and specify the preferred effective date.

1-year     6-month     3-month

Permit Effective Date .....



I hereby apply to renew permit for the above fishing vessel with National Oceanic Resource Management Authority (NORMA) in the Federated States of Micronesia.

I declare that the above information is true and complete. I understand, I am required to report any changes to the above information immediately, and further understand that failure to do so may affect good standing on the FFA Regional Register. This application is filed pursuant to:

.....	.....
Name of Agreement and/or Base Agreement	Agreement Effective Date

**Applicant:**

State whether owner, charter or duly agent .....

Applicant Name: ..... Phone: .....

Address: ..... Fax: .....

..... E-mail: .....

.....

.....

Signature ..... Date: .....

\_\_\_\_\_



## SPC / FFA REGIONAL PURSE-SEINE LOGSHEET INSTRUCTIONS

Logsheets must be completed for each trip. The start of a trip is defined to occur when a vessel leaves port to transit to a fishing area or to transit to another port to complete unloading. The end of a trip is defined to occur when a vessel enters port to unload part or all of the catch.

### Block One: Vessel Identification and Trip Information

Country of Registration and Registration Number in Country of Registration: Print the name of the country in which the vessel is registered (e.g. "Japan") and the registration number issued by the country in which the vessel is registered (e.g. "ME1-808").

FFA Vessel Register Number: Print the number issued by the Forum Fisheries Agency for inclusion of the vessel on the FFA Vessel Register (e.g. "12345"). WCPFC Identification Number: Print the number issued by the Flag State.

Fishing Permit or License Number(s): If the vessel fished under one or more bilateral access agreements, then print the fishing permit number issued by each of the coastal states in whose waters the vessel fished during the trip. If the vessel fished under a multilateral treaty, then print the fishing permit number issued to the vessel under the multilateral treaty. If the vessel is registered in the coastal state, then print the fishing license number issued by the coastal state.

Name of Agent in Port of Unloading: Print the name of the agency or agencies which represented the vessel in the port or ports in which the vessel unloaded the catch recorded on the logsheet. Place of Unloading Specify the name of the port where the catch was unloaded, or the GPS position where unloading occurs at sea.

Number of FADs Investigated: Print the number of individual FADs that were investigated during the trip, regardless of which vessel may have deployed the FAD. Count each FAD once, regardless of the number of times an individual FAD was investigated.

Year and Trip Number This Year: Print the year in which the vessel departed from port at the start of the trip and the number of trips the vessel has taken this year, including this trip. (See the definitions of the start and end of a trip above.)

Amount of Fish Onboard at Start of Trip: If any fish caught during a previous trip have not been unloaded before the departure of the current trip, then print the amount of fish onboard the vessel at the start of the current trip.

Amount of Fish Onboard After Unloading: If any fish remained onboard after the unloading of the catch from the current trip and before the departure of the next trip, then print the amount of fish onboard the vessel at the start of the next trip.

### Block Two: Catches and Discards

Complete at least one line of Block Two for each set made, either fishing set or net cleaning set, even if the fishing set was unsuccessful. If no fishing sets were made during the day, then provide the Month, Day, Activity Code, and the 01:00 UTC Position. All columns must be completed for each fishing set, **including the discards columns**. If necessary, use more than one line to record the retained catch of other species, well numbers, and discards.

Activity Code: Use Activity Code 1 ('Fishing set') when a set on a school of fish was made. Use Activity Code 2 ('Searching') for days on which no fishing sets were made and the main activity was searching for schools of fish. Use Activity Code 3 ('Transit') for days on which no fishing sets were made and the main activity was transiting. Use Activity Code 4 ('No fishing - breakdown') for days on which no fishing sets were made and the main activity was being inactive due to breakdown. Use Activity Code 5 ('No fishing - bad weather') for days on which no fishing sets were made and the main activity was being inactive due to bad weather. Use Activity Code 6 ('In port - please specify') for days on which no fishing sets were made and the main activity was being in port (e.g. to disembark an injured crew member). Use Activity Code 7 ('Net cleaning set') for any sets that were not made on a school of fish. If no code exists, please describe the activity on the form. Use Activity Code 10 ('Deploying or retrieving raft, FAD or payao') for days on which no fishing sets were made and the main activity was deploying or retrieving rafts, FADs or payaos.

01:00 UTC or Set Position: If a set was made, print the position of the set. If no sets were made during the day, print the position at 01:00 UTC. The position should be recorded to the nearest thousandth of a minute of latitude and longitude (e.g. "08-22.334 N" and "165-45.556 E").

School Assoc Code: Schools of tuna are often associated with a floating object or an animal. If the school was not associated with anything, then use School Association Code 1 ('Unassociated'). If the school was associated with an object that is not on the list of School Association Codes, then use School Association Code 8 ('Other') and please describe the object.

Set Start Time: Print the UTC time at which the skiff was put in the water.

Retained Catch: Skipjack, Yellowfin, Bigeye, and Other: Print the amounts caught in the set, rounded to the nearest metric tonne. If a species other than skipjack, yellowfin and bigeye was caught and not discarded, print the name of the species in the column under Other Species, Name, and the amount caught under Other Species, Weight. If a species of special interest (such as a marine turtle, marine mammal or sea bird) is caught, then record the capture Other Species, Name. When more than one 'other' species occurs in a set, use additional lines on the logsheet.

Well Numbers: Print the number of the wells in which the catch from the set was stored initially and note any transfers amongst wells with arrows, for example: "S4 → P3,P2,P5" and "S4,S5 → P3".

Discards: If tuna were discarded, then print the name of the species, the amount discarded, and the Discard Code. If any other species was discarded, print the name of the species, and the total number of fish discarded or the total weight of fish discarded.

Vessels Sighted: If other fishing vessels are sighted, write the name of the vessel, and other identifiers, such as the vessel type, on one line of the logsheet.

### Block Three: Unloadings

Unloadings to Cannery, Cold Storage, Carrier or Other Vessel: When fish are unloaded at the end of a trip, record the date on which unloading began, the date on which unloading ended, the name of the cannery or vessel to which the fish were unloaded, the port in which the fish were unloaded, the international radio call sign of the vessel to which the fish were unloaded, and the amount of each species unloaded. If unloading to a vessel, also record the destination of the fish beside the name of vessel. Use one line for each cannery or vessel to which the fish were unloaded. If unloadings of skipjack and yellowfin were not recorded separately, then record the total amount unloaded under Mixed.





## SPC / FFA REGIONAL LONGLINE LOGSHEET INSTRUCTIONS

**Block One: Vessel Identification and Trip Information**

Country of Registration and Registration Number in Country of Registration: Print the name of the country in which the vessel is registered (e.g. "Japan") and the registration number issued by the country in which the vessel is registered (e.g. "ME1-808").

FFA Vessel Register Number: Print the number issued by the Forum Fisheries Agency for inclusion of the vessel on the FFA Regional Register (e.g. "12345"). WCPFC Identification Number: Print the number issued by the Flag State.

Fishing Permit or Licence Number(s): If the vessel fished under one or more bilateral access agreements, then print the fishing permit number issued by each of the coastal states in whose waters the vessel fished during the trip. If the vessel fished under a multilateral treaty, then print the fishing permit number issued to the vessel under the multilateral treaty. If the vessel is registered in the coastal state, then print the fishing licence number issued by the coastal state.

Name of Agent in Port of Unloading: Print the name of the agency or agencies which represented the vessel in the port or ports in which the vessel unloaded the catch recorded on the logsheet. In case of transshipment at sea, print the name of the carrier and destination of the unloaded catch.

Year and Trip Number This Year: Print the year in which the vessel departed from port at the start of the trip and the number of trips the vessel has taken this year (including this trip). The start of a trip is defined to occur when a vessel transits to a fishing area after unloading part or all of the catch, regardless of whether the unloading took place in port or at sea. The end of a trip is defined to occur when a vessel unloads part or all of the catch, regardless of whether the unloading took place in port or at sea.

Place of Unloading: Specify the name of the port where the catch was unloaded, or the GPS position where unloading occurs at sea.

Primary Target species: Print the primary target species for this trip.

**Block Two: Catches**

Complete at least one line of Block Two for each set that was made during the trip. If no sets were made during the day, then provide the Month, Day, Activity Code, and the 01:00 UTC Position. If necessary, use more than one line to record the catch of other species.

Month and Day: The day should correspond to the day on which the crew started the set; record the day number and not the day of the week.

Activity Code: Use Activity Code 1 ('A set') if the line in Block Two corresponds to a set of the longline gear in the water. Use Activity Code 2 ('A day at sea but not fished and not in transit - please specify') if the vessel was at sea, but the longline gear was not placed in the water that day and the vessel was **not** in transit, please describe the activity on the line that refers to that day. Use Activity Code 3 ('Transit') if no sets were made and the vessel spent most of the day in transit. Use Activity Code 4 ('In port - please specify') if no sets were made and the vessel spent most of the day in port. If no code exists, please describe the activity on the form.

01:00 UTC or Set Position: If a set was made, print the position of the start of the set. If no sets were made during the day, print the position at 01:00 UTC. The position should be recorded to the nearest minute of latitude and longitude (e.g. "08-22 N" and "165-45 E").

Set Start Time: Print the UTC time when the crew started placing the longline gear in the water.

Number of Hooks: Print the total number of hooks that were set.

Hooks between Floats: Print the number of hooks used between successive two floats.

Albacore, Bigeye and Yellowfin: Print number of fish caught and retained under *No RET*. Print the total amount of the whole weights for albacore, and the gilled-and-gutted weights for bigeye and yellowfin, of all fish that were caught and retained, in kilograms, under *KG RET*. Print number of fish that were discarded under *No DISC*. Record small tuna (< 9kg / 20lbs / tuna too small for commercial markets) in the "Other species" column.

Shark: Print the number of fish caught and retained, **excluding** fish from which only the fins were retained and not the body, under *NO RET*. Print the number of fish discarded, **including** fish from which only the fins were retained and not the body, under *No DISC*.

Striped Marlin, Blue Marlin, Black Marlin, and Swordfish: Print number of fish caught and retained under *No RET*. Print total amount of the processed weights of all fish that were caught and retained, in kilograms, under *KG RET*.

Other Species: Print the full name of the species under *NAME*. Print the number of fish caught and retained under *No RET*. Print the total amount of the processed weights of all fish that were caught and retained, in kilograms, under *KG RET*. When more than one 'other' species occurs in a set, use additional lines on the logsheet. If a species of special interest (such as a marine turtle, marine mammal or sea bird) is caught, then record the capture on a separate line. Record small tuna (< 9kg / 20lbs / tuna too small for commercial markets) in this "Other species" column.

Vessels Sighted: If other fishing vessels are sighted, write the name of the vessel, and other identifiers, such as the vessel type, on one line of the logsheet.

Whale Predation: If any fish were predated by whales, write the number of fish predated by whales on one line of the logsheet.

Appendix 3

**REPORTING DETAILS**

Report to NORMA

Fax: (691) 320-2383, E-mail: norma@mail.fm

1. Reporting of Entry to the FSM EEZ

24 hours prior to entering the FSM EEZ:

- (a) Report code ZENT
- (b) Vessel Name
- (c) Permit Number
- (d) Date of Entry (dd.mm.yy)
- (e) Time of Entry (GMT)
- (f) Position of Entry
- (g) Total Catch on board

(i) For Purse Seine, provide catch by weight by species:

SKIPJACK	(SKJ)___ . ___(mt)
YELLOWFIN	(YFT)___ . ___(mt)
OTHERS	(OTH)___ . ___(mt)

(ii) For Longline, provide catch by number by species:

YELLOWFIN	(YFT)___ . ___(mt)
BIGEYE	(BET)___ . ___(mt)
ALBACORE	(ALB)___ . ___(mt)
SHARK	(SHK)___ . ___(mt)
OTHERS	(OTH)___ . ___(mt)

eg. ZENT/ COSMOS/F031-EUCPS-00000-01/10-5-04/0635Z/1230N; 150E/SKJ; 200;YFT: 90; OTH: 50

2. Reporting of Departure from the FSM EEZ

Immediately upon leaving the fishery limits:

- (a) Report code ZDEP
- (b) Vessel Name
- (c) Permit Number
- (d) Date of Departure (dd.mm.yy)
- (e) Time of Departure (GMT)
- (f) Position of Departure

## (g) Total Catch on board

(i) For Purse Seine, provide catch by weight by species:

SKIPJACK	(SKJ)____. __ (mt)
YELLOWFIN	(YFT)____. __ (mt)
OTHERS	(OTH)____. __ (mt)

(ii) For Longline, provide catch by number by species:

YELLOWFIN	(YFT)____. __ (mt)
BIGEYE	(BET)____. __ (mt)
ALBACORE	(ALB)____. __ (mt)
SHARK	(SHK)____. __ (mt)

(h) Total Catch made in FSM EEZ by weight or by number (as appropriate) by species (like Catch on Board)

(i) Total fishing days

eg. ZDEP/ COSMOS/F031-EUCPS-00000-01/20-5-04/0635Z/1300N; 145E/SKJ: 300;YFT: 130; OTH: 80/FSMEEZ;  
SKJ: 100;YFT: 40;OTH: 30/10

## 3. Weekly position and catch reporting while within the FSM EEZ.

Every Wednesday at noon time while within the fishery limits after the entry report or the last weekly report in the FSM EEZ:

(a) Report code WPCR

(b) Vessel Name

(c) Permit Number

(d) Date of Weekly Position (dd.mm.yy)

(e) Position of WPCR

(f) Catch since last report

(i) For Purse Seine, provide catch by weight by species:

SKIPJACK	(SKJ)____. __ (mt)
YELLOWFIN	(YFT)____. __ (mt)
OTHERS	(OTH)____. __ (mt)

(ii) For Longline, provide catch by number by species:

YELLOWFIN	(YFT)____. __ (mt)
BIGEYE	(BET)____. __ (mt)
ALBACORE	(ALB)____. __ (mt)
SHARK	(SHK)____. __ (mt)
OTHERS	(OTH)____. __ (mt)

(g) Number of fishing days during the week

eg. WPCR/COSMOC/F031-EUCPS-00000-01/12-5-04/0530N; 14819E/SKJ; 200;YFT: 90;OTH: 50/10

#### 4. Port Departure

Immediately after leaving port:

(a) Report code PDEP

(b) Vessel Name

(c) Permit Number

(d) Date of Departure (dd.mm.yy)

(e) Time of Departure (GMT)

(f) Port of Departure

(g) Total Catch on board

(i) For Purse Seine, provide catch by weight by species:

SKIPJACK	(SKJ)____. ____ (mt)
YELLOWFIN	(YFT)____. ____ (mt)
OTHERS	(OTH)____. ____ (mt)

(ii) For Longline, provide catch by number by species:

YELLOWFIN	(YFT)____. ____ (mt)
BIGEYE	(BET)____. ____ (mt)
ALBACORE	(ALB)____. ____ (mt)
SHARK	(SHK)____. ____ (mt)
OTHERS	(OTH)____. ____ (mt)

(h) Next destination Pohnpei

eg. PDEP/ COSMOS/F031-EUCPS-00000-01/23-5-04/0635Z/Pohnpei/SKJ:0; YFT:0; OTH:0

#### 5. Bunkering Activity Report

Immediately after refuelling from a licensed tanker:

(a) Report code BUNK

(b) Vessel Name COSMOS

(c) Permit Number F031-EUCPS-0000-01

(d) Starting date and time of bunkering

(GMT) DD-MM-YY: hhmm

(e) Starting position of bunkering

(f) Amount of fuel received in kl

(g) Ending date and time of bunkering

(GMT)

(h) Ending position of bunkering

(i) Name of tanker KIM

eg. BUNK/ COSMOS/F031-EUCPS-00000-01/10-5-04/0635Z/1230N; 150E/160/10-5-04/1130N; 145E/KIM



## 6. Transhipment Activity Report

Immediately after transhipping at an authorized port in FSM to a licensed carrier vessel:

- (a) Report code PNOT
- (b) Vessel Name COSMOS
- (c) Permit Number F031-EUCPS-0000-01
- (d) Date of Discharge (DD-MM-YY)
- (e) Port of Discharge
- (f) Transhipped Catch
- (i) For Purse Seine, provide catch by weight by species:
- |           |                      |
|-----------|----------------------|
| SKIPJACK  | (SKJ)____. ____ (mt) |
| YELLOWFIN | (YFT)____. ____ (mt) |
| OTHERS    | (OTH)____. ____ (mt) |
- (ii) For Longline, provide catch by number by species:
- |           |                      |
|-----------|----------------------|
| YELLOWFIN | (YFT)____. ____ (mt) |
| BIGEYE    | (BET)____. ____ (mt) |
| ALBACORE  | (ALB)____. ____ (mt) |
| SHARK     | (SHK)____. ____ (mt) |
| OTHERS    | (OTH)____. ____ (mt) |
- (g) Name of carrier KIN
- (h) Destination of catch JAPAN

eg. PNOT/ COSMOS/F031-EUCPS-00000-01/10-5-04/PAGO PAGO/SKJ: 200;YFT: 90; OTH: 50/KIN/JP

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*Appendix 4***DESIGNATED PORTS**

1. Tomil Harbor in the State of Yap
  2. Weno Anchorage in the State of Chuuk
  3. Mesenieng Harbour in the State of Pohnpei
  4. Okat Harbour in the State of Kosrae
-

## COUNCIL DECISION

of 18 January 2011

## on the conclusion of the Agreement between the European Union and Georgia on the facilitation of the issuance of visas

(2011/117/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 77(2)(a), in conjunction with Article 218(6)(a), thereof,

Having regard to the proposal from the Commission,

Having regard to the consent of the European Parliament,

Whereas:

- (1) In accordance with Council Decision 2010/706/EU <sup>(1)</sup>, the Agreement between the European Union and Georgia on the facilitation of the issuance of visas (hereinafter referred to as 'the Agreement') was signed, on behalf of the European Union, on 17 June 2010, subject to its conclusion at a later date.
- (2) The Agreement establishes a Joint Committee which should adopt its rules of procedure. It is appropriate to provide for a simplified procedure for the establishment of the Union position in this case.
- (3) This Decision constitutes a development of the provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* <sup>(2)</sup>; the United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to its application.
- (4) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* <sup>(3)</sup>; Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application.
- (5) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning

of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application.

(6) Therefore, the Agreement should be concluded,

HAS ADOPTED THIS DECISION:

*Article 1*

The Agreement between the European Union and Georgia on the facilitation of the issuance of visas ('the Agreement') is hereby approved.

The text of the Agreement is attached to this Decision.

*Article 2*

The President of the Council shall designate the person empowered to proceed, on behalf of the Union, to the notification provided for in Article 14(1) of the Agreement, in order to express the consent of the Union to be bound by the Agreement <sup>(4)</sup>.

*Article 3*

The Commission, assisted by experts from Member States, shall represent the Union in the Joint Committee established by Article 12 of the Agreement.

*Article 4*

The position of the Union within the Joint Committee with regard to the adoption of its rules of procedure as required pursuant to Article 12(4) of the Agreement shall be taken by the Commission after consultation with a special committee designated by the Council.

*Article 5*

This Decision shall enter into force on the day of its adoption.

Done at Brussels, 18 January 2011.

For the Council  
The President  
MATOLCSY Gy.

<sup>(1)</sup> OJ L 308, 24.11.2010, p. 1.

<sup>(2)</sup> OJ L 131, 1.6.2000, p. 43.

<sup>(3)</sup> OJ L 64, 7.3.2002, p. 20.

<sup>(4)</sup> The date of entry into force of the Agreement shall be published in the *Official Journal of the European Union*.

**AGREEMENT****between the European Union and Georgia on the facilitation of the issuance of visas**

THE EUROPEAN UNION, hereinafter referred to as 'the Union',

and

GEORGIA,

hereinafter referred to as 'the Parties',

DESIRING to facilitate people-to-people contacts as an important condition for a steady development of economic, humanitarian, cultural, scientific and other ties, by facilitating the issuing of visas to citizens of Georgia,

REAFFIRMING the intention to establish a visa-free travel regime for their citizens as a long-term goal, provided that all the conditions for well-managed and secure mobility are fulfilled,

BEARING IN MIND that, as from 1 June 2006, all citizens of the Union are exempted from the visa requirement when travelling to Georgia for a period of time not exceeding 90 days or transiting through the territory of Georgia,

RECOGNISING that if Georgia reintroduces visa requirements for the citizens of the Union or certain categories of them, the same facilitations granted under this Agreement to the citizens of Georgia would automatically, on the basis of reciprocity, apply to the citizens of the Union concerned,

BEARING IN MIND that these visa requirements can only be reintroduced for all citizens of the Union or certain categories of citizens of the Union,

RECOGNISING that visa facilitation should not lead to illegal migration and paying special attention to security and readmission,

TAKING INTO ACCOUNT the Protocol on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice and the Protocol on the Schengen *acquis* integrated into the framework of the European Union, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and confirming that the provisions of this Agreement do not apply to the United Kingdom and Ireland,

TAKING INTO ACCOUNT the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union and confirming that the provisions of this Agreement do not apply to Denmark,

HAVE AGREED AS FOLLOWS:

*Article 1***Purpose and scope of application**

1. The purpose of this Agreement is to facilitate the issuance of visas for an intended stay of no more than 90 days per period of 180 days to the citizens of Georgia.

2. If Georgia reintroduces the visa requirement for the citizens of all Member States or certain categories of citizens of all Member States, the same facilitations granted under this Agreement to the citizens of Georgia would automatically, on the basis of reciprocity, apply to the citizens of the Union concerned.

*Article 2***General clause**

1. The visa facilitations provided in this Agreement shall apply to citizens of Georgia only in so far as they are not exempted from the visa requirement by the laws and regulations of the Union or the Member States, this Agreement or other international agreements.

2. The national law of Georgia or of the Member States or Union law shall apply to issues not covered by this Agreement, such as the refusal to issue a visa, recognition of travel documents, proof of sufficient means of subsistence and the refusal of entry and expulsion measures.

## Article 3

**Definitions**

For the purpose of this Agreement:

- (a) 'Member State' shall mean any Member State of the Union, with the exception of Denmark, Ireland and the United Kingdom;
- (b) 'citizen of the Union' shall mean a national of a Member State as defined in point (a);
- (c) 'citizen of Georgia' shall mean a person who holds the citizenship of Georgia in accordance with its national legislation;
- (d) 'visa' shall mean an authorisation issued by a Member State with a view to transiting through or an intended stay in the territory of Member States of a duration of no more than 90 days in any 180-day period from the date of first entry into the territory of the Member States;
- (e) 'legally residing person' shall mean a citizen of Georgia authorised or entitled to stay for more than 90 days in the territory of a Member State, on the basis of Union or national legislation.

## Article 4

**Documentary evidence regarding the purpose of the journey**

1. For the following categories of citizens of Georgia, the following documents are sufficient for justifying the purpose of the journey to the other Party:

- (a) for close relatives – spouse, children (including adopted), parents (including custodians), grandparents, grandchildren – who are visiting citizens of Georgia legally residing in the territory of the Member States:
  - a written request from the host person;
- (b) for members of official delegations who, following an official invitation to Georgia, shall participate in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of the Member States by intergovernmental organisations:
  - a letter issued by a Georgian authority confirming that the applicant is a member of a delegation travelling to

the territory of the Member States to participate in the aforementioned events, accompanied by a copy of the official invitation;

- (c) for pupils, students, post-graduate persons and accompanying teachers who undertake trips for the purposes of study or educational training, including in the framework of exchange programmes as well as other school-related activities:
  - a written request or a certificate of enrolment from the host university, college or school or student cards or certificates of the courses to be attended;
- (d) for persons travelling for medical reasons and necessary accompanying persons:
  - an official document of the medical institution confirming necessity of medical care in this institution, the necessity of being accompanied and proof of sufficient financial means to pay for the medical treatment;
- (e) for journalists and accredited persons accompanying them in a professional capacity:
  - a certificate or other document issued by a professional organisation proving that the person concerned is a qualified journalist or accompanying person in a professional capacity and a document issued by his/her employer stating that the purpose of the journey is to carry out journalistic work or assist in such work;
- (f) for participants in international sport events and persons accompanying them in a professional capacity:
  - a written request from the host organisation, competent authorities, national sport federations or national Olympic committees of the Member States;
- (g) for business people and representatives of business organisations:
  - a written request from the host legal person or company, organisation or an office or a branch of such legal person or company, state or local authorities of the Member States or organising committees or trade and industrial exhibitions, conferences and symposia held in the territories of the Member States, endorsed by the State Chamber of Registration of Georgia;

(h) for members of the professions participating in international exhibitions, conferences, symposia, seminars or other similar events held on the territory of the Member States:

— a written request from the host organisation confirming that the person concerned is participating in the event;

(i) for representatives of civil society organisations when undertaking trips for the purposes of educational training, seminars, conferences, including in the framework of exchange programmes:

— a written request issued by the host organisation, a confirmation that the person is representing the civil society organisation and the certificate on establishment of such organisation from the relevant register issued by a state authority in accordance with the national legislation;

(j) for persons participating in scientific, cultural or artistic activities, including university and other exchange programmes:

— a written request from the host organisation to participate in the activities;

(k) for drivers conducting international cargos and passenger transportation services to the territories of the Member States in vehicles registered in Georgia:

— a written request from the national company or association of carriers of Georgia providing for international road transportation, stating the purpose, duration and frequency of the trips;

(l) for participants of the official exchange programmes organised by twin cities:

— a written request of the Head of Administration/Mayor of these cities or municipal authorities;

(m) for visiting military and civil burial grounds:

— an official document confirming the existence and preservation of the grave as well as family or other relationship between the applicant and the buried.

2. The written request mentioned in paragraph 1 of this Article shall include the following items:

(a) for the invited person: name and surname, date of birth, sex, citizenship, passport number, time and purpose of the

journey, number of entries and where relevant the name of the spouse and children accompanying the invited person;

(b) for the inviting person: name, surname and address;

(c) for the inviting legal person, company or organisation: full name and address, and:

— if the request is issued by an organisation or authority, the name and position of the person who signs the request,

— if the inviting person is a legal person or company or an office or a branch of such legal person or company established in the territory of a Member State, the registration number as required by the national law of the Member State concerned.

3. For the categories of persons mentioned in paragraph 1 of this Article, all categories of visas are issued according to the simplified procedure without requiring any other justification, invitation or validation concerning the purpose of the journey, provided for by the legislation of the Member States.

#### Article 5

##### Issuance of multiple-entry visas

1. Diplomatic missions and consular services of the Member States shall issue multiple-entry visas with the term of validity of up to 5 years to the following categories of citizens:

(a) spouses, children (including adopted) who are under the age of 21 or are dependent, or parents visiting citizens of Georgia legally residing in the territory of the Member States with the term of validity limited to the duration of the validity of their authorisation for legal residence;

(b) members of national and regional governments and of Constitutional and Supreme courts if they are not exempted from the visa requirement by this Agreement, in the exercise of their duties, with a term of validity limited to their term of office if this is less than 5 years;

(c) permanent members of official delegations who, following an official invitation addressed to Georgia, are to participate regularly in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of the Member States by intergovernmental organisations.

2. Diplomatic missions and consular services of the Member States shall issue multiple-entry visas with the term of validity of up to 1 year to the following categories of persons, provided that during the previous year they have obtained at least one visa, have made use of it in accordance with the laws on entry and stay of the visited Member State and that there are reasons for requesting a multiple-entry visa:

- (a) members of official delegations who, following an official invitation, are to participate regularly in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of the Member States by inter-governmental organisations;
- (b) representatives of civil society organisations travelling regularly to Member States for the purposes of educational training, seminars, conferences, including in the framework of exchange programmes;
- (c) members of the professions participating in international exhibitions, conferences, symposia, seminars or other similar events who regularly travel to the Member States;
- (d) persons participating in scientific, cultural or artistic activities, including university and other exchange programmes, who regularly travel to Member States;
- (e) students and post-graduate persons who regularly travel for the purposes of study or educational training, including in the framework of exchange programmes;
- (f) participants in official exchange programmes organised by twin cities or municipal authorities;
- (g) persons needing to visit regularly for medical reasons and necessary accompanying persons;
- (h) journalists and accredited persons accompanying them in a professional capacity;
- (i) business people and representatives of business organisations who regularly travel to Member States;
- (j) participants in international sports events and persons accompanying them in a professional capacity;
- (k) drivers conducting international cargo and passenger transportation services to the territories of the Member States in vehicles registered in Georgia.

3. Diplomatic missions and consular services of the Member States shall issue multiple-entry visas with the term of validity

of a minimum of 2 years and a maximum of 5 years to the categories of persons referred to in paragraph 2 of this Article, provided that during the previous 2 years they made use of the 1-year multiple-entry visas in accordance with the laws on entry and stay of the host Member State and that the reasons for requesting a multiple-entry visa are still valid.

4. The total period of stay of persons referred to in paragraphs 1 to 3 of this Article shall not exceed 90 days per period of 180 days in the territory of the Member States.

#### Article 6

##### Fees for processing visa applications

1. The fee for processing visa applications of citizens of Georgia shall amount to EUR 35.

The aforementioned amount may be reviewed in accordance with the procedure provided for in Article 14(4).

If Georgia reintroduces the visa requirement for all citizens of the Union, the visa fee to be charged by Georgia shall not exceed EUR 35 or the amount agreed if the fee is reviewed in accordance with the procedure provided for in Article 14(4).

2. When Member States cooperate with an external service provider, an additional service may be charged. The service fee shall be proportionate to the costs incurred by the external service provider while performing his tasks and shall not exceed EUR 30. The Member State(s) concerned shall maintain the possibility for all applicants to lodge their applications directly at its/their consulates.

3. The fees for processing the visa application are waived for the following categories of citizens:

- (a) pensioners;
- (b) children below the age of 12;
- (c) members of national and regional governments and of Constitutional and Supreme courts, in case they are not exempted from the visa requirement by this Agreement;
- (d) disabled persons and the persons accompanying them, if necessary;
- (e) close relatives – spouse, children (including adopted), parents (including custodians), grandparents or grandchildren – who are visiting citizens of Georgia legally residing in the territory of the Member States;



- (f) members of official delegations who, following an official invitation addressed to Georgia, are to participate in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of the Member States by intergovernmental organisations;
- (g) pupils, students, post-graduate students and accompanying teachers who undertake trips for the purposes of study or educational training, including exchange programmes as well as other school-related activities;
- (h) journalists and accredited persons accompanying them in a professional capacity;
- (i) participants in international sport events and persons accompanying them in a professional capacity;
- (j) representatives of civil society organisations when undertaking trips for the purposes of educational training, seminars, conferences, including in the framework of exchange programmes;
- (k) persons participating in scientific, cultural or artistic activities, including university and other exchange programmes;
- (l) persons who have presented documents proving the necessity of their travel on humanitarian grounds, including to receive urgent medical treatment and the person accompanying such person, or to attend a funeral of a close relative or to visit a seriously ill close relative.

#### Article 7

##### Duration of the visa application procedure

1. Diplomatic missions and consular services of the Member States shall take a decision upon the request to issue a visa within 10 calendar days starting from the date of the receipt of the application and documents required for issuing visas.
2. The period of time for taking a decision on a visa application may be extended up to 30 calendar days in individual cases, notably when further review of the application is needed.
3. The period of time for taking a decision on a visa application may be reduced to 2 working days or less in urgent cases.

#### Article 8

##### Departure in case of lost or stolen documents

Citizens of the Union and of Georgia who have lost their identity documents, or from whom these documents have been stolen while staying in the territory of Georgia or of the Member States, may leave that territory on the basis of valid

identity documents entitling them to cross the border issued by diplomatic missions or consular posts of the Member States or of Georgia without any visa or other authorisation.

#### Article 9

##### Extension of visas in exceptional circumstances

The period of validity and/or duration of stay of an issued visa of a citizen of Georgia shall be extended when the competent authority of a Member State considers that the visa holder has provided proof of *force majeure* or humanitarian reasons preventing him from leaving the territory of the Member States before expiry of the period of validity of or the duration of stay authorised by the visa. Such an extension shall be granted free of charge.

#### Article 10

##### Diplomatic passports

1. Citizens of Georgia who are holders of valid diplomatic passports may enter, leave and transit through the territories of the Member States without visas.
2. Persons mentioned in paragraph 1 of this Article may stay in the territories of Member States for a period not exceeding 90 days per period of 180 days.

#### Article 11

##### Territorial validity of visas

Subject to the national rules and regulations concerning national security of the Member States and subject to Union regulations on visas with limited territorial validity, the citizens of Georgia shall be entitled to travel within the territory of the Member States on equal basis with the citizens of the Union.

#### Article 12

##### Joint Committee for management of the Agreement

1. The Parties shall set up a Joint Committee of experts (hereinafter referred to as 'the Committee'), composed of representatives of the Union and of Georgia. The Union shall be represented by the Commission, assisted by experts from the Member States.
2. The Committee shall, in particular, have the following tasks:
  - (a) monitoring the implementation of this Agreement;
  - (b) suggesting amendments or additions to this Agreement;
  - (c) settling disputes arising out of the interpretation or application of the provisions in this Agreement.



3. The Committee shall meet whenever necessary at the request of one of the Parties and at least once a year.

4. The Committee shall establish its rules of procedure.

#### *Article 13*

### **Connection of this Agreement with bilateral agreements between Member States and Georgia**

As from its entry into force, this Agreement shall take precedence over provisions of any bilateral or multilateral agreements or arrangements concluded between individual Member States and Georgia, in so far as the provisions of the latter agreements or arrangements cover issues dealt with by this Agreement.

#### *Article 14*

### **Final clauses**

1. This Agreement shall be ratified or approved by the Parties in accordance with their respective procedures and shall enter into force on the first day of the second month following the date on which the last Party notifies the other that the procedures referred to above have been completed.

2. By way of derogation from paragraph 1 of this Article, this Agreement shall only enter into force on the date of the entry into force of the Agreement between the European Union and Georgia on readmission if this date is after the date provided for in paragraph 1 of this Article.

3. This Agreement is concluded for an indefinite period of time, unless terminated in accordance with paragraph 6 of this Article.

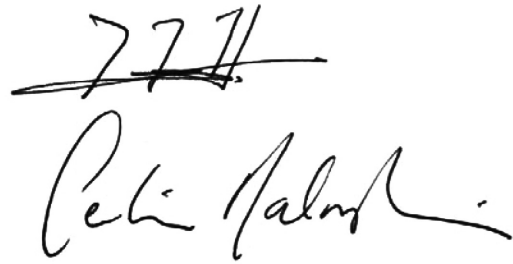
4. This Agreement may be amended by written agreement of the Parties. Amendments shall enter into force after the Parties have notified each other of the completion of their internal procedures necessary for this purpose.

5. Each Party may suspend in whole or in part this Agreement for reasons of public order, protection of national security or protection of public health. The decision on suspension shall be notified to the other Party not later than 48 hours before its entry into force. The Party that has suspended the application of this Agreement shall immediately inform the other Party once the reasons for the suspension no longer apply.

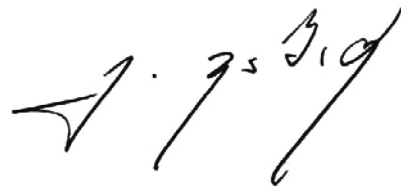
6. Each Party may terminate this Agreement by giving written notice to the other Party. This Agreement shall cease to be in force 90 days after the date of such notification.

Done at Brussels, on 17 June 2010, in duplicate in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish and Georgian languages, each of these texts being equally authentic.

За Европейския съюз  
 Por la Unión Europea  
 Za Evropskou unii  
 For Den Europæiske Union  
 Für die Europäische Union  
 Euroopa Liidu nimel  
 Για την Ευρωπαϊκή Ένωση  
 For the European Union  
 Pour l'Union européenne  
 Per l'Unione europea  
 Eiropas Savienības vārdā –  
 Europos Sąjungos vardu  
 Az Európai Unió részéről  
 Għall-Unjoni Ewropea  
 Voor de Europese Unie  
 W imieniu Unii Europejskiej  
 Pela União Europeia  
 Pentru Uniunea Europeană  
 Za Európsku úniu  
 Za Evropsko unijo  
 Euroopan unionin puolesta  
 För Europeiska unionen  
**ევროპის კავშირის სახელით**



За Грузия  
 Por Georgia  
 Za Gruzii  
 For Georgien  
 Für Georgien  
 Gruusia nimel  
 Για τη Γεωργία  
 For Georgia  
 Pour la Géorgie  
 Per la Georgia  
 Gruzijas vārdā –  
 Gruzijos vardu  
 Grúzia részéről  
 Għall-Georgja  
 Voor Georgië  
 W imieniu Gruzji  
 Pela Geórgia  
 Pentru Georgia  
 Za Gruzínsko  
 Za Gruzijo  
 Georgian puolesta  
 För Georgien  
**საქართველოს სახელით**



## ANNEX

**PROTOCOL TO THE AGREEMENT ON THE MEMBER STATES THAT DO NOT FULLY APPLY THE SCHENGEN ACQUIS**

Those Member States which are bound by the Schengen *acquis* but which do not yet issue Schengen visas, while awaiting the relevant decision of the Council to that end, shall issue national visas the validity of which is limited to their own territory.

In accordance with Decision No 582/2008/EC of the European Parliament and of the Council of 17 June 2008 introducing a simplified regime for the control of persons at the external borders based on the unilateral recognition by Bulgaria, Cyprus and Romania of certain documents as equivalent to their national visas for the purposes of transit through their territories <sup>(1)</sup> harmonised measures have been taken in order to simplify the transit of holders of Schengen visa and Schengen residence permits through the territory of the Member States that do not fully apply the Schengen *acquis* yet.

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<sup>(1)</sup> OJ L 161, 20.6.2008, p. 30.

**JOINT DECLARATION ON ARTICLE 10 ON DIPLOMATIC PASSPORTS**

The Union may invoke a partial suspension of the Agreement and in particular of Article 10 thereof, in accordance with the procedure set up by Article 14(5) of the Agreement, if the implementation of Article 10 is abused by the other Party or leads to a threat to public security.

In case of suspension of implementation of Article 10, both Parties shall initiate consultations within the framework of the Joint Committee set up by the Agreement with a view to solve the problems that lead to the suspension.

As a priority, both Parties declare their commitment to ensure a high level of document security for diplomatic passports, in particular by integrating biometric identifiers. For the Union this will be ensured in compliance with the requirements set out in Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States <sup>(1)</sup>.

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<sup>(1)</sup> OJ L 385, 29.12.2004, p. 1.

**JOINT DECLARATION ON THE HARMONISATION OF INFORMATION ON PROCEDURES FOR ISSUING SHORT-STAY VISAS AND DOCUMENTS TO BE SUBMITTED WHEN APPLYING FOR SHORT-STAY VISAS**

Recognising the importance of transparency for visa applicants, the Parties to the Agreement consider the possibility of applying the following measures:

- to draw up general information for the applicants on the procedures and conditions for applying for visas, the visas and on the validity of issued visas,
- the Union will draw up a list of minimum requirements in order to ensure that Georgian applicants are given coherent and uniform basic information and are required to submit, in principle, the same supporting documents.

The information mentioned above is to be disseminated widely (on the information board of consulates, in leaflets, on websites, etc.).

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**JOINT DECLARATION CONCERNING DENMARK**

The Parties take note that the Agreement does not apply to the procedures for issuing visas by the diplomatic missions and consular services of Denmark.

In such circumstances, it is desirable that the authorities of Denmark and of Georgia conclude, without delay, a bilateral agreement on the facilitation of the issuance of short-stay visas in similar terms as the Agreement between the European Union and Georgia.

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**JOINT DECLARATION CONCERNING THE UNITED KINGDOM AND IRELAND**

The Parties take note that the Agreement does not apply to the territory of the United Kingdom and of Ireland.

In such circumstances, it is desirable that the authorities of the United Kingdom, Ireland and Georgia conclude bilateral agreements on the facilitation of the issuance of visas.

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**JOINT DECLARATION CONCERNING SWITZERLAND, ICELAND, LIECHTENSTEIN AND NORWAY**

The Parties take note of the close relationship between the Union and Switzerland, Iceland, Liechtenstein and Norway, particularly by virtue of the Agreements of 18 May 1999 and 26 October 2004 concerning the association of these countries with the implementation, application and development of the Schengen *acquis*.

In such circumstances, it is desirable that the authorities of Switzerland, Iceland, Liechtenstein and Norway and Georgia conclude, without delay, bilateral agreements on the facilitation of the issuance of short-stay visas in similar terms as the Agreement between the Union and Georgia.

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**EUROPEAN UNION DECLARATION ON FACILITATIONS FOR FAMILY MEMBERS**

The Union took note of the suggestion of Georgia to give a wider definition to the notion of family members that should benefit from visa facilitation as well as of the importance that Georgia attaches to the simplification of movement of this category of persons.

In order to ease the mobility of an extended number of persons which have family links (in particular sisters and brothers and their children) with Georgian citizens legally residing in the territories of Member States, the European Union invites the Member States' consular offices to make full use of the existing possibilities in the *acquis* for facilitating the issuance of visas to this category of persons, including, in particular, the simplification of documentary evidence requested for the applicants, exemptions from handling fees and, where appropriate, the issuing of multiple entry visas.

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**EUROPEAN UNION DECLARATION ON THE SUSPENSION OF THE VISA FACILITATION AGREEMENT**

In case Georgia, in violation of Article 1(2) of the Agreement, reintroduces the visa requirement for the citizens of one or more Member States of the Union or certain categories of such citizens, the Union will suspend the application of the Agreement.

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**JOINT DECLARATION ON COOPERATION ON TRAVEL DOCUMENTS**

The Parties agree that the Joint Committee established pursuant to Article 12 of the Agreement, when monitoring the implementation of the Agreement, should evaluate the impact of the level of security of the respective travel documents on the functioning of the Agreement. To that end, the Parties agree to regularly inform each other about the measures taken for avoiding the proliferation of travel documents, developing the technical aspects of travel document security as well as regarding the personalisation process of the issuance of travel documents.

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**COUNCIL DECISION****of 18 January 2011****on the conclusion of the Agreement between the European Union and Georgia on the readmission of persons residing without authorisation**

(2011/118/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 79(3), in conjunction with Article 218(6)(a)(v), thereof,

Having regard to the proposal from the Commission,

Having regard to the consent of the European Parliament,

Whereas:

- (1) In accordance with Council Decision 2010/687/EU <sup>(1)</sup>, the Agreement between the European Union and Georgia on the readmission of persons residing without authorisation (hereinafter 'the Agreement') was signed, on behalf of the European Union, on 17 June 2010, subject to its conclusion at a later date.
- (2) The Agreement should be approved.
- (3) The Agreement establishes a Joint Readmission Committee which may adopt its rules of procedure. It is appropriate to provide for a simplified procedure for the establishment of the Union position in this case.
- (4) In accordance with Article 3 of Protocol (No 21) on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, the United Kingdom has notified its wish to take part in the adoption and application of this Decision.
- (5) In accordance with Articles 1 and 2 of Protocol (No 21) on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Decision and is not bound by it or subject to its application.

- (6) In accordance with Articles 1 and 2 of Protocol (No 22) on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application,

HAS ADOPTED THIS DECISION:

*Article 1*

The Agreement between the European Union and Georgia on the readmission of persons residing without authorisation (hereinafter 'the Agreement') is hereby approved on behalf of the Union.

The text of the Agreement is attached to this Decision.

*Article 2*

The President of the Council shall designate the person empowered to proceed, on behalf of the Union, to the notification provided for in Article 23(2) of the Agreement, in order to express the consent of the Union to be bound by the Agreement <sup>(2)</sup>.

*Article 3*

The Commission, assisted by experts from Member States, shall represent the Union in the Joint Readmission Committee established by Article 18 of the Agreement.

*Article 4*

The position of the Union within the Joint Readmission Committee with regard to the adoption of its rules of procedure as required pursuant to Article 18(5) of the Agreement shall be taken by the Commission after consultation with a special committee designated by the Council.

<sup>(1)</sup> OJ L 294, 12.11.2010, p. 9.

<sup>(2)</sup> The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

*Article 5*

This Decision shall enter into force on the day of its adoption.

Done at Brussels, 18 January 2011.

*For the Council*  
*The President*  
MATOLCSY Gy.

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**AGREEMENT****between the European Union and Georgia on the readmission of persons residing without authorisation**

THE HIGH CONTRACTING PARTIES,

THE EUROPEAN UNION, hereinafter referred to as 'the Union',

and

GEORGIA,

DETERMINED to strengthen their cooperation in order to combat illegal immigration more effectively,

DESIRING to establish, by means of this Agreement and on the basis of reciprocity, rapid and effective procedures for the identification and safe and orderly return of persons who do not, or no longer, fulfil the conditions for entry into, presence in, or residence on, the territories of Georgia or of one of the Member States of the European Union, and to facilitate the transit of such persons in a spirit of cooperation,

EMPHASISING that this Agreement shall be without prejudice to the rights, obligations and responsibilities of the Union, its Member States and Georgia arising from international law and, in particular, from the European Convention of 4 November 1950 for the Protection of Human Rights and Fundamental Freedoms and the Convention of 28 July 1951 on the Status of Refugees as amended by the Protocol of 31 January 1967,

CONSIDERING that in accordance with Protocol No 21 on the position of the United Kingdom of Great Britain and Northern Ireland and of Ireland in respect of the area of Freedom, Security and Justice annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, Ireland will not take part in this Agreement unless it notify its wish to that effect in accordance with that Protocol,

CONSIDERING that the provisions of this Agreement, which falls within the scope of Title V of Part Three of the Treaty on the Functioning of the European Union, do not apply to the Kingdom of Denmark, in accordance with the Protocol on the position of the Kingdom of Denmark annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union,

HAVE AGREED AS FOLLOWS:

*Article 1*

**Definitions**

For the purpose of this Agreement:

- (a) 'Contracting Parties' shall mean Georgia and the Union;
- (b) 'National of Georgia' shall mean any person who holds the citizenship of Georgia;
- (c) 'National of a Member State' shall mean any person who holds the nationality, as defined for Union purposes, of a Member State;
- (d) 'Member State' shall mean any Member State of the European Union bound by this Agreement;
- (e) 'Third-country national' shall mean any person who holds a nationality other than that of Georgia or one of the Member States;
- (f) 'Stateless person' shall mean any person who does not hold a nationality of any State;
- (g) 'Residence permit' shall mean a permit of any type issued by Georgia or one of the Member States entitling a person to reside on its territory. This shall not include temporary permissions to remain on its territory in connection with the processing of an asylum application or an application for a residence permit;
- (h) 'Visa' shall mean an authorisation issued or a decision taken by Georgia or one of the Member States which is required with a view to entry into, or transit through, its territory. This shall not include airport transit visas;

- (i) 'Requesting State' shall mean the State (Georgia or one of the Member States) submitting a readmission application pursuant to Article 7 or a transit application pursuant to Article 14 of this Agreement;
- (j) 'Requested State' shall mean the State (Georgia or one of the Member States) to which a readmission application pursuant to Article 7 or a transit application pursuant to Article 14 of this Agreement is addressed;
- (k) 'Competent Authority' shall mean any national authority of Georgia or one of the Member States entrusted with the implementation of this Agreement in accordance with Article 19(1)(a) thereof;
- (l) 'Transit' shall mean the passage of a third-country national or a stateless person through the territory of the Requested State while travelling from the Requesting State to the country of destination;
- (m) 'Border region' shall mean an area which extends up to 5 kilometres from the territories of seaports including custom zones, and international airports of the Member States and Georgia.

## SECTION I

## READMISSION OBLIGATIONS BY GEORGIA

## Article 2

**Readmission of own nationals**

1. Georgia shall readmit, upon application by a Member State and without further formalities other than those provided for in this Agreement, all persons who do not, or who no longer, fulfil the conditions in force for entry into, presence in, or residence on, the territory of the Requesting Member State provided that it is proved, or may be validly assumed on the basis of prima facie evidence furnished, that they are nationals of Georgia.
2. Georgia shall also readmit:
- (a) minor unmarried children of the persons mentioned in paragraph 1, regardless of their place of birth or their nationality, unless they have an independent right of residence in the Requesting Member State or hold a valid residence permit issued by another Member State; and
- (b) spouses, holding another nationality, of the persons mentioned in paragraph 1, provided they have the right to enter and stay or receive the right to enter and stay in

the territory of Georgia, unless they have an independent right of residence in the Requesting Member State or hold a valid residence permit issued by another Member State.

3. Georgia shall also readmit persons who have been deprived of, or who have forfeited or renounced, the nationality of Georgia since entering the territory of a Member State, unless such persons have at least been promised naturalisation by that Member State.

4. After Georgia has given a positive reply to the readmission application, the competent diplomatic mission or consular office of Georgia shall, irrespective of the will of the person to be readmitted, immediately and no later than within 3 working days, issue the travel document required for the return of the person to be readmitted with a period of validity of 90 days. If Georgia has not, within 3 working days, issued the travel document, it shall be deemed to accept the use of the EU standard travel document for expulsion purposes <sup>(1)</sup>.

5. If, for legal or factual reasons, the person concerned cannot be transferred within the period of validity of the travel document that was initially issued, the competent diplomatic mission or consular office of Georgia shall, within 3 working days, extend the validity of the travel document or, where necessary, issue a new travel document with a period of validity of the same duration. If Georgia has not, within 3 working days, issued the new travel document or extended its validity, it shall be deemed to accept the use of the EU standard travel document for expulsion purposes <sup>(2)</sup>.

## Article 3

**Readmission of third-country nationals and stateless persons**

1. Georgia shall readmit, upon application by a Member State and without further formalities other than those provided for in this Agreement, all third-country nationals or stateless persons who do not, or who no longer, fulfil the conditions in force for entry into, presence in, or residence on, the territory of the Requesting Member State provided that it is proved, or may be validly assumed on the basis of prima facie evidence furnished, that such persons:

- (a) hold, at the time of submission of the readmission application, a valid visa or residence permit issued by Georgia; or
- (b) illegally and directly entered the territory of a Member State after having stayed on, or transited through, the territory of Georgia.

2. The readmission obligation in paragraph 1 shall not apply if:

- (a) the third-country national or stateless person has only been in airside transit via an international airport of Georgia; or

<sup>(1)</sup> In line with the form set out in EU Council recommendation of 30 November 1994.

<sup>(2)</sup> Ibid.

(b) the Requesting Member State has issued to the third-country national or stateless person a visa or residence permit before or after entering its territory unless:

(i) that person is in possession of a visa or residence permit, issued by Georgia, which has a longer period of validity;

(ii) the visa or residence permit issued by the Requesting Member State has been obtained by using forged or falsified documents, or by making false statements; or

(iii) that person fails to observe any condition attached to the visa;

(c) the Requested State has expelled the third-country national or stateless person to his/her state of origin or to a third State.

3. After Georgia has given a positive reply to the readmission application, it shall immediately and no later than within 3 working days, issue a travel document for expulsion purposes to the person whose readmission has been accepted. If Georgia has not, within 3 working days, issued the travel document, it shall be deemed to accept the use of the EU standard travel document for expulsion purposes.

## SECTION II

### READMISSION OBLIGATIONS BY THE UNION

#### Article 4

##### Readmission of own nationals

1. A Member State shall readmit, upon application by Georgia and without further formalities other than those provided for in this Agreement, all persons who do not, or who no longer, fulfil the conditions in force for entry into, presence in, or residence on, the territory of Georgia provided that it is proved, or may be validly assumed on the basis of prima facie evidence furnished, that they are nationals of that Member State.

2. A Member State shall also readmit:

(a) minor unmarried children of the persons mentioned in paragraph 1, regardless of their place of birth or their nationality, unless they have an independent right of residence in Georgia; and

(b) spouses, holding another nationality, of the persons mentioned in paragraph 1, provided they have the right to enter and stay or receive the right to enter and stay in the territory of the Requested Member State, unless they have an independent right of residence in Georgia.

3. A Member State shall also readmit persons who have been deprived of, or who have renounced, the nationality of a

Member State since entering the territory of Georgia, unless such persons have at least been promised naturalisation by Georgia.

4. After the Requested Member State has given a positive reply to the readmission application, the competent diplomatic mission or consular office of that Member State shall, irrespective of the will of the person to be readmitted, immediately and no later than within 3 working days, issue the travel document required for the return of the person to be readmitted with a period of validity of 90 days. If the Requested Member State has not, within 3 working days, issued the travel document, it shall be deemed to accept the use of the Georgian standard travel document for expulsion purposes.

5. If, for legal or factual reasons, the person concerned cannot be transferred within the period of validity of the travel document that was initially issued, the competent diplomatic mission or consular office of the Requested Member State shall, within 3 working days, extend the validity of the travel document or, where necessary, issue a new travel document with a period of validity of the same duration. If the Requested Member State has not within 3 working days issued the new travel document or extended its validity, it shall be deemed to accept the use of the Georgian standard travel document for expulsion purposes.

#### Article 5

##### Readmission of third-country nationals and stateless persons

1. A Member State shall readmit, upon application by Georgia and without further formalities other than those provided for in this Agreement, all third-country nationals or stateless persons who do not, or who no longer, fulfil the conditions in force for entry into, presence in, or residence on, the territory of Georgia provided that it is proved, or may be validly assumed on the basis of prima facie evidence furnished, that such persons:

(a) hold, at the time of submission of the readmission application, a valid visa or residence permit issued by the Requested Member State; or

(b) illegally and directly entered the territory of Georgia after having stayed on, or transited through, the territory of the Requested Member State.

2. The readmission obligation in paragraph 1 shall not apply if:

(a) the third-country national or stateless person has only been in airside transit via an international airport of the Requested Member State; or

(b) Georgia has issued to the third-country national or stateless person a visa or residence permit before or after entering its territory unless:

(i) that person is in possession of a visa or residence permit, issued by the Requested Member State, which has a longer period of validity;

(ii) the visa or residence permit issued by Georgia has been obtained by using forged or falsified documents, or by making false statements; or

(iii) that person fails to observe any condition attached to the visa;

(c) the Requested Member State has expelled the third-country national or stateless person to his/her state of origin or to a Third State.

3. The readmission obligation in paragraph 1 is for the Member State that issued a visa or residence permit. If two or more Member States issued a visa or residence permit, the readmission obligation in paragraph 1 is for the Member State that issued the document with a longer period of validity or, if one or several of them have already expired, the document that is still valid. If all of the documents have already expired, the readmission obligation in paragraph 1 is for the Member State that issued the document with the most recent expiry date. If no such documents can be presented, the readmission obligation in paragraph 1 is for the Member State of last exit.

4. After the Requested Member State has given a positive reply to the readmission application, it shall immediately and no later than within 3 working days, issue a travel document for expulsion purposes to the person whose readmission has been accepted. If the Member State has not, within 3 working days, issued the travel document, it shall be deemed to accept the use of the Georgian standard travel document for expulsion purposes.

### SECTION III

#### READMISSION PROCEDURE

##### Article 6

##### Principles

1. Subject to paragraph 2, any transfer of a person to be readmitted on the basis of one of the obligations contained in Articles 2 to 5 shall require the submission of a readmission application to the competent authority of the Requested State.

2. If the person to be readmitted is in possession of a valid travel document or identity card, the transfer of such person can take place without the Requesting State having to submit a

readmission application or written communication, as referred to in Article 11(1), to the competent authority of the Requested State.

3. Without prejudice to paragraph 2, if a person has been apprehended in the border region (including airports) of the Requesting State after illegally crossing the border coming directly from the territory of the Requested State, the Requesting State may submit a readmission application within 2 days following that person's apprehension (accelerated procedure).

##### Article 7

#### Readmission application

1. To the extent possible, the readmission application is to contain the following information:

(a) the particulars of the person to be readmitted (e.g. given names, surnames, date of birth, and – where possible – place of birth, and the last place of residence) and, where applicable, the particulars of minor unmarried children and/or spouses;

(b) in case of own nationals, an indication of the means with which proof or prima facie evidence of nationality will be provided;

(c) in case of third-country nationals and stateless persons, an indication of the means with which proof or prima facie evidence of the conditions for the readmission of third-country nationals and stateless persons and unlawful entry and residence will be provided;

(d) a photograph of the person to be readmitted;

(e) fingerprints.

2. To the extent possible, the readmission application shall also contain the following information:

(a) a statement indicating that the person to be transferred may need help or care, provided the person concerned has explicitly consented to the statement;

(b) any other protection, security measure or information concerning the health of the person, which may be necessary in the individual transfer case.

3. A common form to be used for readmission applications is attached as Annex 5 to this Agreement.

4. A readmission application may be submitted by any means of communication, not excluding electronic means.

*Article 8***Means of evidence regarding nationality**

1. Proof of nationality pursuant to Articles 2(1) and 4(1) can be furnished in particular through the documents listed in Annex 1 to this Agreement, including documents the validity of which has expired by up to 6 months. If such documents are presented, the Member States and Georgia shall mutually recognise the nationality without further investigation being required. Proof of nationality cannot be furnished through false documents.

2. Prima facie evidence of nationality pursuant to Articles 2(1) and 4(1) can be furnished in particular through the documents listed in Annex 2 to this Agreement, even if their period of validity has expired. If such documents are presented, the Member States and Georgia shall deem the nationality to be established, unless they can prove otherwise. Prima facie evidence of nationality cannot be furnished through false documents.

3. If none of the documents listed in Annex 1 or 2 can be presented, or if they are insufficient, the competent diplomatic and consular representations of the Requested State concerned shall, upon a request from the Requesting State which is included in the readmission application, make arrangements to interview the person to be readmitted without undue delay, at the latest within 4 working days from the date of receipt of the readmission application, in order to establish his or her nationality. The procedure for such interviews may be established in the implementing Protocols provided for in Article 19 of this Agreement.

*Article 9***Means of evidence regarding third-country nationals and stateless persons**

1. Proof of the conditions for the readmission of third-country nationals and stateless persons laid down in Articles 3(1) and 5(1) shall be furnished in particular through the means of evidence listed in Annex 3 to this Agreement; it cannot be furnished through false documents. Any such proof shall be mutually recognised by the Member States and Georgia without any further investigation being required.

2. Prima facie evidence of the conditions for the readmission of third-country nationals and stateless persons laid down in Articles 3(1) and 5(1) shall be furnished in particular through the means of evidence listed in Annex 4 to this Agreement; it cannot be furnished through false documents. Where such prima facie evidence is presented, the Member States and Georgia shall deem the conditions to be established, unless they can prove otherwise.

3. The unlawfulness of entry, presence or residence shall be established by means of the travel documents of the person concerned in which the necessary visa or other residence permit for the territory of the Requesting State are missing. A

statement by the Requesting State that the person concerned has been found not having the necessary travel documents, visa or residence permit shall likewise provide prima facie evidence of the unlawful entry, presence or residence.

*Article 10***Time limits**

1. The application for readmission must be submitted to the competent authority of the Requested State within a maximum of 6 months after the Requesting State's competent authority has gained knowledge that a third-country national or a stateless person does not fulfil, or no longer fulfils, the conditions in force for entry, presence or residence. Where there are legal or factual obstacles to the application being submitted on time, the time limit shall, upon request by the Requesting State, be extended but only until the obstacles have ceased to exist.

2. A readmission application must be replied to in writing:

(a) within 2 working days if the application has been made under the accelerated procedure (Article 6(3)); or

(b) within 12 calendar days in all other cases.

This time limit begins to run from the date of receipt of the readmission request. If there is no reply within this time limit, the transfer shall be deemed to have been agreed to.

3. Reasons for the refusal of a readmission request shall be given in writing.

4. After agreement has been given or, where appropriate, after expiry of the time limits laid down in paragraph 2, the person concerned shall be transferred within 3 months. On request of the Requesting State, this time limit may be extended by the time taken to deal with legal or practical obstacles.

*Article 11***Transfer modalities and modes of transportation**

1. Without prejudice to Article 6(2), before returning a person, the competent authorities of the Requesting State shall notify in writing at least 3 working days in advance the competent authorities of the Requested State regarding the transfer date, the point of entry, possible escorts and other information relevant to the transfer.

2. Transportation may take place by air or land. Return by air shall not be restricted to the use of the national carriers of Georgia or the Member States and may take place by using scheduled or, in case of nationals of the Requested State, charter flights. In the event of escorted returns, such escorts shall not be restricted to authorised persons of the Requesting State, provided that they are persons authorised by Georgia or any Member State.



### Article 12

#### Readmission in error

The Requesting State shall take back any person readmitted by the Requested State if it is established within a period of 6 months, and in case of third-country nationals or stateless persons 12 months, after the transfer of the person concerned, that the requirements laid down in Articles 2 to 5 of this Agreement are not met.

In such cases the procedural provisions of this Agreement shall apply *mutatis mutandis* and all available information relating to the actual identity and nationality of the person to be taken back shall be provided.

### SECTION IV

#### TRANSIT OPERATIONS

### Article 13

#### Principles

1. The Member States and Georgia should restrict the transit of third-country nationals or stateless persons to cases where such persons cannot be returned to the State of destination directly.

2. Georgia shall allow the transit of third-country nationals or stateless persons if a Member State so requests, and a Member State shall allow the transit of third-country nationals or stateless persons if Georgia so requests, if the onward journey in possible other States of transit and the readmission by the State of destination is assured.

3. Transit can be refused by Georgia or a Member State:

- (a) if the third-country national or the stateless person runs the real risk of being subjected to torture or to inhuman or degrading treatment or punishment or the death penalty or of persecution because of his race, religion, nationality, membership of a particular social group or political conviction in the State of destination or another State of transit;
- (b) if the third-country national or the stateless person shall be subject to criminal sanctions in the Requested State or in another State of transit; or
- (c) on grounds of public health, national security, public order or other national interests of the Requested State.

4. Georgia or a Member State may revoke any authorisation issued if circumstances referred to in paragraph 3 subsequently arise or come to light which stand in the way of the transit operation, or if the onward journey in possible States of transit or the readmission by the State of destination is no longer assured. In this case, the Requesting State shall take back the third-country national or the stateless person, as necessary and without delay.

### Article 14

#### Transit procedure

1. An application for transit operations must be submitted to the competent authority of the Requested State in writing and is to contain the following information:

- (a) type of transit (by air or land), possible other States of transit and intended final destination;
- (b) the particulars of the person concerned (e.g. given name, surname, maiden name, other names used/by which known or aliases, date of birth, sex and – where possible – place of birth, nationality, language, type and number of travel document);
- (c) envisaged point of entry, time of transfer and possible use of escorts;
- (d) a declaration that in the view of the Requesting State the conditions pursuant to Article 13(2) are met, and that no reasons for a refusal pursuant to Article 13(3) are known of.

A common form to be used for transit applications is attached as Annex 6 to this Agreement.

2. The Requested State shall, within 5 calendar days of receipt of the application and in writing, inform the Requesting State of the admission, confirming the point of entry and the envisaged time of admission, or inform it of the admission refusal and of the reasons for such refusal.

3. If the transit operation takes place by air, the person to be readmitted and possible escorts shall be exempted from having to obtain an airport transit visa.

4. The competent authorities of the Requested State shall, subject to mutual consultations, assist in the transit operations, in particular through the surveillance of the persons in question and the provision of suitable amenities for that purpose.

5. Transit of the persons shall be carried out within 30 days of receipt of consent to the request.

## SECTION V

## COSTS

## Article 15

**Transport and transit costs**

Without prejudice to the right of the competent authorities to recover the costs associated with readmission from the person to be readmitted or third parties, all transport costs incurred in connection with readmission and transit operations pursuant to this Agreement as far as the border of the State of final destination shall be borne by the Requesting State.

## SECTION VI

## DATA PROTECTION AND NON-AFFECTION CLAUSE

## Article 16

**Data Protection**

The communication of personal data shall only take place if such communication is necessary for the implementation of this Agreement by the competent authorities of Georgia or a Member State as the case may be. The processing and treatment of personal data in a particular case shall be subject to the domestic laws of Georgia and, where the controller is a competent authority of a Member State, to the provisions of Directive 95/46/EC and of the national legislation of that Member State adopted pursuant to that Directive. Additionally the following principles shall apply:

- (a) personal data must be processed fairly and lawfully;
- (b) personal data must be collected for the specified, explicit and legitimate purpose of implementing this Agreement and not further processed by the communicating authority nor by the receiving authority in a way incompatible with that purpose;
- (c) personal data must be adequate, relevant and not excessive in relation to the purpose for which they are collected and/or further processed; in particular, personal data communicated may concern only the following:
  - (i) the particulars of the person to be transferred (e.g. given names, surnames, any previous names, other names used/by which known or aliases, sex, civil status, date and place of birth, current and any previous nationality);
  - (ii) passport, identity card or driving licence (number, period of validity, date of issue, issuing authority and place of issue);
  - (iii) stop-overs and itineraries;

(iv) other information needed to identify the person to be transferred or to examine the readmission requirements pursuant to this Agreement;

- (d) personal data must be accurate and, where necessary, kept up-to-date;
- (e) personal data must be kept in a form which permits identification of data subjects for no longer than is necessary for the purpose for which the data were collected or for which they are further processed;
- (f) both the communicating authority and the receiving authority shall take every reasonable step to ensure as appropriate the rectification, erasure or blocking of personal data where the processing does not comply with the provisions of this Article, in particular because those data are not adequate, relevant, accurate, or they are excessive in relation to the purpose of processing. This includes the notification of any rectification, erasure or blocking to the other Party;
- (g) upon request, the receiving authority shall inform the communicating authority of the use of the communicated data and of the results obtained therefrom;
- (h) personal data may only be communicated to the competent authorities. Further communication to other bodies requires the prior consent of the communicating authority;
- (i) the communicating and the receiving authorities are under an obligation to make a written record of the communication and receipt of personal data.

## Article 17

**Non-affected clause**

1. This Agreement shall be without prejudice to the rights, obligations and responsibilities of the Union, the Member States and Georgia arising from international law and, in particular, from:
- (a) the Convention of 28 July 1951 on the Status of Refugees as amended by the Protocol of 31 January 1967 on the Status of Refugees;
  - (b) the international conventions determining the State responsible for examining applications for asylum lodged;
  - (c) the European Convention of 4 November 1950 for the Protection of Human Rights and Fundamental Freedoms and its Protocols;
  - (d) the UN Convention of 10 December 1984 against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment;

- (e) international conventions on extradition and transit;
  - (f) multilateral international conventions and agreements on the readmission of foreign nationals, such as the Convention on International Civil Aviation of 7 December 1944.
2. Nothing in this Agreement shall prevent the return of a person under other formal or informal arrangements.

## SECTION VII

**IMPLEMENTATION AND APPLICATION***Article 18***Joint readmission committee**

1. The Contracting Parties shall provide each other with mutual assistance in the application and interpretation of this Agreement. To this end, they shall set up a joint readmission committee (hereinafter referred to as 'the committee') which will, in particular, have the following tasks:

- (a) to monitor the application of this Agreement;
  - (b) to decide on implementing arrangements necessary for the uniform application of this Agreement;
  - (c) to have regular exchanges of information on the implementing Protocols drawn up by individual Member States and Georgia pursuant to Article 19 of this Agreement;
  - (d) to recommend amendments to this Agreement and its Annexes.
2. The decisions of the committee shall be binding on the Contracting Parties.
3. The committee shall be composed of representatives of the Union and Georgia.
4. The committee shall meet where necessary at the request of one of the Contracting Parties.
5. The committee shall establish its rules of procedures.

*Article 19***Implementing Protocols**

1. On request of a Member State or Georgia, Georgia and a Member State shall draw up an implementing Protocol which shall, inter alia, cover rules on:
- (a) designation of the competent authorities, border crossing points and exchange of contact points;
  - (b) conditions for escorted returns, including the transit of third-country nationals and stateless persons under escort;

- (c) means and documents additional to those listed in the Annexes 1 to 4 to this Agreement;
- (d) the modalities for readmission under the accelerated procedure; and
- (e) the procedure for interviews.

2. The implementing Protocols referred to in paragraph 1 shall enter into force only after the committee has been notified.

3. Georgia agrees to apply any provision of an implementing Protocol drawn up with one Member State also in its relations with any other Member State upon request of the latter.

*Article 20***Relation to bilateral readmission agreements or arrangements of Member States**

The provisions of this Agreement shall take precedence over the provisions of any bilateral agreement or arrangement on the readmission of persons residing without authorisation which have been, or may – pursuant to Article 19 – be, concluded between individual Member States and Georgia, in so far as the provisions of the latter are incompatible with those of this Agreement.

## SECTION VIII

**FINAL PROVISIONS***Article 21***Territorial application**

1. Subject to paragraph 2, this Agreement shall apply to the territory in which the Treaty on European Union and the Treaty on the Functioning of the European Union are applicable and to the territory of Georgia.
2. This Agreement shall apply to the territory of Ireland only pursuant to a notification by the European Union to Georgia to that effect. This Agreement shall not apply to the territory of the Kingdom of Denmark.

*Article 22***Amendments to the Agreement**

This Agreement may be amended and supplemented by mutual consent of the Contracting Parties. Amendments and supplements shall be drawn up in the form of separate protocols, which shall form an integral part of this Agreement, and enter into force in accordance with the procedure laid down in Article 23 of this Agreement.



*Article 23***Entry into force, duration and termination**

1. This Agreement shall be ratified or approved by the Contracting Parties in accordance with their respective procedures.
2. This Agreement shall enter into force on the first day of the second month following the date on which the last Contracting Party has notified the other that the procedures referred to in the first paragraph have been completed.
3. This Agreement shall apply to Ireland on the first day of the second month following the date of the notification referred to in Article 21(2).
4. This Agreement is concluded for an unlimited period.

5. Each Contracting Party may denounce this Agreement by officially notifying the other Contracting Party. This Agreement shall cease to apply 6 months after the date of such notification.

*Article 24***Annexes**

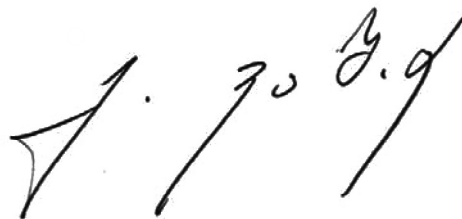
Annexes 1 to 6 shall form an integral part of this Agreement.

Done at Brussels on 22 November 2010 in duplicate in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish and Georgian languages, each of these texts being equally authentic.

За Европейския съюз  
 Por la Unión Europea  
 За Evropskou unii  
 For Den Europæiske Union  
 Für die Europäische Union  
 Euroopa Liidu nimel  
 Για την Ευρωπαϊκή Ένωση  
 For the European Union  
 Pour l'Union européenne  
 Per l'Unione europea  
 Eiropas Savienības vārdā –  
 Europos Sąjungos vardu  
 Az Európai Unió részéről  
 Għall-Unjoni Ewropea  
 Voor de Europese Unie  
 W imieniu Unii Europejskiej  
 Pela União Europeia  
 Pentru Uniunea Europeană  
 Za Európsku úniu  
 Za Evropsko unijo  
 Euroopan unionin puolesta  
 För Europeiska unionen  
**ევროპის კავშირის სახელით**



За Грузия  
 Por Georgia  
 За Gruzii  
 For Georgien  
 Für Georgien  
 Gruusia nimel  
 Για τη Γεωργία  
 For Georgia  
 Pour la Géorgie  
 Per la Georgia  
 Gruzijas vārdā –  
 Gruzijos vardu  
 Grúzia részéről  
 Għall-Georgja  
 Voor Georgië  
 W imieniu Gruzji  
 Pela Geórgia  
 Pentru Georgia  
 Za Gruzínsko  
 Za Gruzijo  
 Georgian puolesta  
 För Georgien  
**საქართველოს სახელით**



## ANNEX 1

**COMMON LIST OF DOCUMENTS, THE PRESENTATION OF WHICH IS CONSIDERED AS PROOF OF  
CITIZENSHIP****(ARTICLES 2(1), 4(1) AND 8(1))**

- passports of any kind (national passports, diplomatic passports, service passports, collective passports and surrogate passports including children's passports),
  - identity cards (including temporary and provisional ones),
  - citizenship certificates and other official documents that mention or clearly indicate citizenship.
-

## ANNEX 2

**COMMON LIST OF DOCUMENTS, THE PRESENTATION OF WHICH IS CONSIDERED AS PRIMA FACIE EVIDENCE OF NATIONALITY****(ARTICLES 2(1), 4(1) AND 8(2))**

Where the Requested State is either one of the Member States or Georgia:

- documents listed in Annex 1, the validity of which has expired by more than 6 months,
- photocopies of any of the documents listed in Annex 1 to this Agreement,
- driving licenses or photocopies thereof,
- birth certificates or photocopies thereof,
- company identity cards or photocopies thereof,
- statements by witnesses,
- statements made by the person concerned and language spoken by him or her, including by means of an official test result,
- any other document which may help to establish the nationality of the person concerned,
- service books and military identity cards,
- seaman's registration books and skippers' service cards,
- *laissez-passer* issued by the Requested State.

Where the Requested State is Georgia:

- confirmation of identity as a result of a search carried out in the Visa Information System <sup>(1)</sup>,
- in the case of Member States not using the Visa Information System, positive identification established from visa application records of those Member States.

---

<sup>(1)</sup> Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) (OJ L 218, 13.8.2008, p. 60).

## ANNEX 3

**COMMON LIST OF DOCUMENTS WHICH ARE CONSIDERED AS PROOF OF THE CONDITIONS FOR THE READMISSION OF THIRD-COUNTRY NATIONALS AND STATELESS PERSONS****(ARTICLES 3(1), 5(1) AND 9(1))**

- visa and/or residence permit issued by the Requested State,
- entry/departure stamps or similar endorsement in the travel document of the person concerned or other evidence of entry/departure (e.g. photographic).

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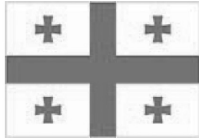
## ANNEX 4

**COMMON LIST OF DOCUMENTS WHICH ARE CONSIDERED AS PRIMA FACIE EVIDENCE OF THE CONDITIONS FOR THE READMISSION OF THIRD-COUNTRY NATIONALS AND STATELESS PERSONS****(ARTICLES 3(1), 5(1) AND 9(2))**

- description issued by the relevant authorities of the Requesting State, of place and circumstances under which the person concerned has been intercepted after entering the territory of that State,
- information related to the identity and/or stay of a person which has been provided by an international organisation (e.g. UNHCR),
- reports/confirmation of information by family members, travelling companions, etc.,
- statement by the person concerned,
- information showing that the person concerned has used the services of a courier or travel agency,
- official statements made, in particular, by border authority staff and other witnesses who can testify the fact of the border crossing for the person concerned,
- official statement by the person concerned in judicial or administrative proceedings,
- documents, certificates and bills of any kind (e.g. hotel bills, appointment cards for doctors/dentists, entry cards for public/private institutions, car rental agreements, credit card receipts, etc.) which clearly show that the person concerned stayed on the territory of the Requested State,
- named tickets and/or passenger lists of air, train, coach or boat passages which show the presence and the itinerary of the person concerned on the territory of the Requested State.

---

ANNEX 5



.....  
(Designation of requesting authority)

.....  
(Place and date)

Reference: .....

To: .....

.....

.....

.....  
(Designation of requested authority)

ACCELERATED PROCEDURE (Article 6(3))

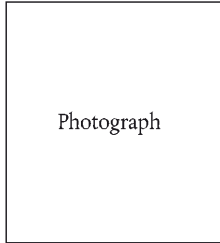
INTERVIEW REQUEST (Article 8(3))

**READMISSION APPLICATION**

**pursuant to Article 7 of the Agreement of 22 November 2010 between the European Union and Georgia on the readmission of persons residing without authorisation**

**A. PERSONAL DETAILS**

- 1. Full name (underline surname):  
.....
- 2. Maiden name:  
.....
- 3. Date and place of birth:  
.....
- 4. Sex and physical description (height, colour of eyes, distinguishing marks, etc.):  
.....
- 5. Also known as (earlier names, other names used/by which known or aliases):  
.....
- 6. Nationality and language:  
.....
- 7. Civil status:  married  single  divorced  widowed  
If married: name of spouse: .....
- Names and age of children (if any): .....
- .....
- .....
- 8. Last address in the Requested State:  
.....



**B. PERSONAL DETAILS OF SPOUSE (IF APPROPRIATE)**

- 1. Full name (underline surname): .....
- 2. Maiden name: .....
- 3. Date and place of birth: .....
- 4. Sex and physical description (height, colour of eyes, distinguishing marks, etc.): .....
- 5. Also known as (earlier names, other names used/by which known or aliases): .....
- 6. Nationality and language: .....

**C. PERSONAL DETAILS OF CHILDREN (IF APPROPRIATE)**

- 1. Full name (underline surname): .....
- 2. Date and place of birth: .....
- 3. Sex and physical description (height, colour of eyes, distinguishing marks, etc.): .....
- 4. Nationality and language: .....

**D. SPECIAL CIRCUMSTANCES RELATING TO THE TRANSFEREE**

1. State of health

(e.g. possible reference to special medical care; Latin name of contagious disease):

.....  
.....

2. Indication of particularly dangerous person

(e.g. suspected of serious offence; aggressive behaviour):

.....  
.....

**E. MEANS OF EVIDENCE ATTACHED**

1. .... (Passport No) ..... (date and place of issue)

..... (issuing authority) ..... (expiry date)

2. .... (Identity card No) ..... (date and place of issue)

..... (issuing authority) ..... (expiry date)

3. .... (Driving licence No) ..... (date and place of issue)

..... (issuing authority) ..... (expiry date)

4. .... (Other official document No) ..... (date and place of issue)

..... (issuing authority) ..... (expiry date)

**F. OBSERVATIONS**

.....  
.....  
.....

.....  
(Signature) (Seal/stamp)





ANNEX 6



.....  
(Designation of requesting authority)

.....  
(Place and date)

Reference: .....

To: .....

.....

.....

.....  
(Designation of requested authority)

**TRANSIT APPLICATION**

**pursuant to Article 14 of the Agreement of 22 November 2010 between the European Union and Georgia on the readmission of persons residing without authorisation**

**A. PERSONAL DETAILS**

1. Full name (underline surname):

.....

2. Maiden name:

.....

3. Date and place of birth:

.....

4. Sex and physical description (height, colour of eyes, distinguishing marks, etc.):

.....

5. Also known as (earlier names, other names used/by which known or aliases):

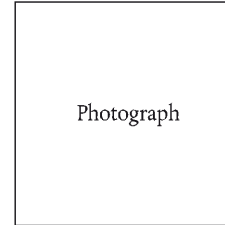
.....

6. Nationality and language:

.....

7. Type and number of travel document:

.....

**B. TRANSIT OPERATION**

1. Type of transit:

by air     by land

2. State of final destination:

.....

3. Possible other States of transit:

.....

4. Proposed border crossing point, date, time of transfer and possible escorts:

.....

.....

5. Admission guaranteed in any other transit State and in the State of final destination (Article 13, paragraph 2):

yes     no

6. Knowledge of any reason for a refusal of transit (Article 13, paragraph 3):

yes     no

**C. OBSERVATIONS**

.....

.....

.....

.....

(Signature) (Seal/stamp)

\_\_\_\_\_

**JOINT DECLARATION CONCERNING ARTICLES 3(1) AND 5(1)**

The Parties agree that a person is 'entering directly' from the territory of Georgia within the meaning of these provisions if such person arrived on the territory of a Member State without having entered a third country in between, or, where the Requested State is one of the Member States, arrived on the territory of Georgia without having entered a third country in between. Airside transit stays in a third country shall not be considered as entry.

---

**JOINT DECLARATION CONCERNING THE KINGDOM OF DENMARK**

The Contracting Parties take note that this Agreement does not apply to the territory of the Kingdom of Denmark, nor to nationals of the Kingdom of Denmark. In such circumstances it is appropriate that Georgia and the Kingdom of Denmark conclude a readmission agreement on the same terms as this Agreement.

---

**JOINT DECLARATION CONCERNING THE REPUBLIC OF ICELAND AND THE KINGDOM OF NORWAY**

The Contracting Parties take note of the close relationship between the European Union and the Republic of Iceland and the Kingdom of Norway, particularly by virtue of the Agreement of 18 May 1999 concerning the association of these countries with the implementation, application and development of the Schengen acquis. In such circumstances it is appropriate that Georgia conclude a readmission agreement with the Republic of Iceland and the Kingdom of Norway on the same terms as this Agreement.

---

**JOINT DECLARATION CONCERNING THE SWISS CONFEDERATION**

The Contracting Parties take note of the close relationship between the European Union and the Swiss Confederation, particularly by virtue of the Agreement concerning the association of the Swiss Confederation with the implementation, application and development of the Schengen acquis, which entered into force on 1 March 2008. In such circumstances it is appropriate that Georgia conclude a readmission agreement with the Swiss Confederation on the same terms as this Agreement.

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# REGULATIONS

## COUNCIL REGULATION (EU) No 156/2011

of 13 December 2010

### concerning the allocation of the fishing opportunities under the Protocol to the Partnership Agreement between the European Community and the Federated States of Micronesia on fishing in the Federated States of Micronesia

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) A new Protocol (hereinafter 'the Protocol') to the Partnership Agreement between the European Community and the Federated States of Micronesia on fishing in the Federated States of Micronesia<sup>(1)</sup> (hereinafter 'the Agreement') was initialled on 7 May 2010. The Protocol provides EU vessels with fishing opportunities in the waters over which the Federated States of Micronesia has sovereignty or jurisdiction in respect of fisheries.
- (2) On 13 December 2010 the Council adopted Decision 2011/116/EU<sup>(2)</sup> on the signing and on the provisional application of the Protocol.
- (3) The method for allocating the fishing opportunities among the Member States should be defined for the five-year period set out in Article 13 of the Protocol as well as for the period of its provisional application.
- (4) In accordance with Article 10(1) of Council Regulation (EC) No 1006/2008 of 29 September 2008 concerning authorisations for fishing activities of Community fishing vessels outside Community waters and the access of third country vessels to Community waters<sup>(3)</sup>, if it appears that the fishing opportunities allocated to the European Union under the Protocol are not fully utilised, the Commission should inform the Member States concerned. The absence of a reply within a deadline to

be set by the Council shall be considered as confirmation that the vessels of the Member State concerned are not making full use of their fishing opportunities in the given period. That deadline should be set.

- (5) This Regulation should enter into force on the day following its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

#### Article 1

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

(a) Tuna purse seiners:

Spain            5 vessels

France           1 vessel

(b) Surface longliners:

Spain            12 vessels

2. Without prejudice to the Agreement and the Protocol, Regulation (EC) No 1006/2008 shall apply.

3. If applications for fishing authorisations from the Member States referred to in paragraph 1 do not cover all the fishing opportunities set by the Protocol, the Commission shall consider applications for fishing authorisations from any other Member State in accordance with Article 10 of Regulation (EC) No 1006/2008.

The deadline referred to in Article 10(1) of that Regulation shall be set at 10 working days.

#### Article 2

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

<sup>(1)</sup> OJ L 151, 6.6.2006, p. 3.

<sup>(2)</sup> See page 1 of this Official Journal.

<sup>(3)</sup> OJ L 286, 29.10.2008, p. 33.

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

Done at Brussels, 13 December 2010.

*For the Council*  
*The President*  
K. PEETERS

---





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