

## AGREEMENT

### between the European Community and the Gabonese Republic on fishing off the coast of Gabon

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

THE GABONESE REPUBLIC,

CONSIDERING, on the one hand, the spirit of cooperation resulting from the Lomé convention and, on the other, the good cooperation relations between the Community and the Gabonese Republic;

CONSIDERING the wish of the Gabonese Republic to promote the rational exploitation of its fishery resources by means of intensified cooperation;

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

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

AFFIRMING THAT the exercise of sovereign rights by coastal states in waters under their jurisdiction for the purpose of exploiting, conserving and managing living resources must be conducted in accordance with principles of international law;

DETERMINED TO conduct their relations in a spirit of mutual trust and respect for each other's interests in the sphere of sea fishing as enshrined in the Lomé Convention;

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

HAVE AGREED AS FOLLOWS:

#### *Article 1*

The purpose of this Agreement is to establish the principles and rules which will in future govern, in all respects, the fishing activities of vessels flying the flags of Member States of the Community, hereinafter referred to as 'Community vessels', in the waters over which the Gabonese Republic has sovereignty or jurisdiction in respect of fisheries, hereinafter referred to as 'Gabon's fishing zone'.

#### *Article 2*

1. The Gabonese Republic hereby undertakes to authorise the pursuit of fishing activities by Community vessels in its fishing zone in accordance with this Agreement, particularly the Annex hereto.

2. The fishing activities governed by this Agreement shall be subject to the laws and regulations in force in the Gabonese Republic.

#### *Article 3*

1. The Community hereby undertakes to take all appropriate steps to ensure that its vessels observe the provisions of this Agreement and the rules and regulations governing fishing in Gabon's fishing zone.

2. The Gabonese authorities shall notify the European Commission of all amendments to the said rules and regulations before they are applied.

3. The steps taken by the Gabonese authorities to regulate fishing in the interests of the conservation of fishery resources shall be based on objective and scientific criteria. They shall apply without discrimination to Community vessels, without prejudice to agreements concluded between developing countries within a single geographical region, including reciprocal fisheries agreements.

#### *Article 4*

1. Fishing activities by Community vessels in Gabon's fishing zone under this Agreement shall be subject to possession of a fishing licence issued at the Community's request by the Gabonese authorities.

2. The Gabonese authorities shall issue fishing licences within the limits laid down by category of vessel in the Protocol attached to this Agreement.

3. The issue of licences shall be subject to payment of a fee by the shipowners concerned.

4. The procedure for licence applications, the fees payable and arrangements for payment shall be as set out in the Annex.

#### *Article 5*

The Contracting Parties undertake to coordinate either directly or within international organisations their efforts to ensure the management and conservation of living resources in the central east Atlantic, and to facilitate the relevant scientific research.

#### *Article 6*

The vessels authorised under the terms of this Agreement to fish in Gabon's fishing zone shall be obliged to send their statements of catch to the Gabonese authorities, in accordance with the provisions set out in the Annex.

#### *Article 7*

In return for the fishing opportunities granted under Article 2, the Community shall make a financial contribution to the Gabonese Republic in accordance with the conditions and procedure set out in the Protocol attached to this Agreement, without prejudice to financing accorded to the Gabonese Republic under the Lomé Convention.

#### *Article 8*

In the event of any dispute over the interpretation or application of this Agreement, consultations shall be held between the Parties.

#### *Article 9*

A Joint Committee shall be set up to ensure that this Agreement is applied correctly.

The Committee shall meet, alternately in the Gabonese Republic and the Community, at the request of either of the Contracting Parties.

#### *Article 10*

Should the Gabonese authorities decide, as result of developments in the state of stocks, to take measures to conserve fishery resources which affect the activities of Community vessels, consultations shall be held between the Parties in order to adapt the Annex and Protocol.

These consultations shall be based on the principle that any substantial reduction of the fishing opportunities laid down in the Protocol must entail a proportionate reduction in the financial compensation payable by the Community.

#### *Article 11*

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

#### *Article 12*

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

#### *Article 13*

The Protocol and the Annex constitute an integral part of this Agreement.

#### *Article 14*

This Agreement shall be concluded for an initial period of five years commencing from the date of its entry into force. Unless one of the Parties ends it by giving notice to that effect six months before the end of this five-year period, it shall be tacitly renewed for further periods of two years, unless denounced by notice given at least three months before the end of any such two-year period.

The Parties shall enter into negotiations in the event of either of them denouncing this Agreement.

Before the end of the period of validity of the current Protocol, the Parties shall hold negotiations to establish by agreement what amendments or additions to the Annex or Protocol are required.

#### *Article 15*

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

Done at Libreville, 1 April 1998.

*For the European Community*

*For the Gabonese Republic*