I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 707/83

of 28 March 1983

on the conclusion of the Agreement between the European Economic Community and the Government of the Republic of Guinea Bissau on fishing off the coast of Guinea Bissau

THE COUNCIL OF THE EUROPEAN COMMUNITIES

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission (1),

Having regard to the opinion of the European Parliament (2),

Whereas negotiations have taken place between the Community and Guinea Bissau, in accordance with the second paragraph of Article 17 of the Agreement between the Government of the Republic of Guinea Bissau and the European Economic Community on fishing off the coast of Guinea Bissau (3), to determine the amendments or additions to be made to the Annex thereto or to the Protocol referred to in Article 9 thereof;

Whereas, as a result of these negotiations, an amending Agreement was signed on 15 March 1983;

Whereas it is in the Community's interest to approve that Agreement,

HAS ADOPTED THIS REGULATION:

Article 1

The Agreement amending the Agreement between the European Economic Community and the Government of the Republic of Guinea Bissau on fishing off the coast of Guinea Bissau is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Regulation.

Article 2

The President of the Council shall give the notification provided for in Article 2 of the Agreement.

Article 3

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

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

Done at Brussels, 28 March 1983.

For the Council

The President

J. ERTL

(1) OJ No C 36, 9. 2. 1983, p. 10.
(2) Opinion delivered on 11 March 1983 (not yet published in the Official Journal).
(3) OJ No L 226, 29. 8. 1980, p. 34.

AGREEMENT

amending the Agreement between the European Economic Community and the Government of the Republic of Guinea Bissau on fishing off the coast of Guinea Bissau

Article 1

1. The Protocol and Annex to the Agreement between the European Economic Community and the Republic of Guinea Bissau on fishing off the coast of Guinea Bissau:

'PROTOCOL

between the European Economic Community and the Government of the Republic of Guinea Bissau

THE PARTIES TO THIS PROTOCOL,

Having regard to the Agreement between the European Economic Community and the Government of the Republic of Guinea Bissau on fishing off the coast of Guinea Bissau, signed in Brussels on 27 February 1980,

HAVE AGREED AS FOLLOWS:

Article 1

This Protocol shall cover fishing activities extending over a period of three years from the date of its entry into force in 1983.

The limits referred to in Article 4 shall be as follows for each year of application of this period:

1. Bottom trawlers:

   7 500 GRT. During each year of application, a proportion of this tonnage may be used in such a way that its equivalent, in terms of an annual average, does not exceed 3 500 GRT.

2. 25 freezer tuna vessels (900 GRT on average).

3. 25 wet pole-and-line tuna vessels (130 GRT on average).

Article 2

1. The compensation referred to in Article 9 of the Agreement shall be, for the period referred to in Article 1, 4 275 000 ECU, namely 1 425 000 ECU for each year of application of this Protocol.

2. This compensation shall also cover the sums due for the interim arrangement periods agreed since 1 March 1982.

Article 3

1. The use to which the compensation provided for in Article 2 is put shall be the sole responsibility of the Government of Guinea Bissau.

2. The Government of Guinea Bissau shall inform the Community of the programme for the use of the compensation.

Article 4

1. The compensation shall be mobilized in three equal annual instalments.

2. The compensation money shall be paid into an account opened with a financial institution chosen by the Government of Guinea Bissau.

Article 5

The Community shall also, for the period referred to in Article 1, contribute a maximum of 250 000 ECU towards the financing of a Guinea Bissau scientific programme to improve information on the fishery resources within the fishing zone of the Republic of Guinea Bissau

Article 6

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

Article 7

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

ANNEX

CONDITIONS FOR THE PURSUIT OF FISHING ACTIVITIES IN GUINEA BISSAU'S FISHING ZONE BY VESSELS FLYING THE FLAGS OF MEMBER STATES OF THE COMMUNITY

A. Licence application and issuing formalities

The procedure for applications for, and issue of, the annual licences enabling vessels flying the flags of Member States of the Community to fish in Guinea Bissau's fishing zone shall be as follows:

The relevant Community authorities shall present to the Office of the Secretary of State for Fisheries of the Republic of Guinea Bissau, via the Delegation of the Commission of the European Communities in Guinea Bissau, an application for each vessel that wishes to fish under this Agreement, at least 30 days before the date of commencement of the period of validity requested.

The applications shall be made on the forms provided for that purpose by the Government of the Republic of Guinea Bissau. A specimen is given under A1 below.

1. *Provisions applicable to trawlers*

(a) Applications shall be accompanied by proof of a banker's guarantee covering an amount equal to the fee due for each licence, which shall be forfeited to the Guinea Bissau authorities if the licence is not used.

(b) By derogation from Article 4 (3) of the Agreement, licences may be issued as follows:

(I) for the 3 500 GRT that may be used on annual average basis: for periods comprising whole months, and not less than three calendar months, the period in question to be stated when the licence application is submitted;

(II) for the remaining 4 000 GRT: for periods of one calendar year or half a calendar year; a single application may cover several vessels of the same category wishing to fish during consecutive periods of at least three months.

(c) (I) The fees for the tonnage referred to in (b) (I) shall be set at 120 ECU/GRT per year.

(II) The fees for the tonnage referred to in (b) (II) shall be set at 100 ECU/GRT per year.

By derogation from Article 5 (2) of the Agreement, the fees may, at the shipowner's request, be paid quarterly or half-yearly, in which case they shall be increased respectively by 5 and 3 %.

(d) As from a date to be determined and on the basis of conditions to be determined within the Joint Committee, the payment of fees may be replaced wholly or in part by the supply of fish.

2. *Provisions applicable to tuna boats*

(a) The fees shall be set at 20 ECU per tonne fished within Guinea Bissau's fishing zone.

(b) Applications for licences for each of the categories of tuna boats shall be forwarded following payment of an overall lump sum equivalent to the fees for:

— 900 tonnes of tuna fished per year in the case of freezer tuna boats,

— 100 tonnes of tuna fished per year in the case of pole-and-line tuna vessels,

and the production of a banker's guarantee covering the payment of any additional amount due should annual catches exceed this quantity. The quantities fished shall be determined in

accordance with the statistics drawn up by the International Commission for the Conservation of Atlantic Tuna (ICCAT).

In the case of landings agreed under Article 8 of the Agreement, lower fees will be fixed within the Joint Committee.

3. The relevant authorities of Guinea Bissau shall examine each application to see that it complies with the Agreement, and with the legislation of Guinea Bissau, and shall apply the scale of fees to be paid.

   The relevant authorities of Guinea Bissau shall inform the Community authorities of their decisions.

4. Should there be any difficulties or additional information needed when applications are examined and licences issued, consultations shall be held between the representatives of the Contracting Parties, in particular through the Office of the Secretary of State for Fisheries and the Delegation of the Commission of the European Communities in Guinea Bissau.

B. **Statement of catch**

1. All vessels authorized to fish in Guinea Bissau's waters under the Agreement shall be obliged to forward to the Office of the Secretary of State for Fisheries a statement of their catch made out according to the specimen given under B.1 below.

   Such statement of catch must be drawn up for each month and presented at least once every quarter.

   Should this provision not be adhered to, the Government of Guinea Bissau reserves the right to suspend the licence of the offending vessel until the formality has been complied with.

2. Any Community vessel fishing in Guinea Bissau's fishing zone shall allow on board, and assist in the accomplishment of his duties, any official of Guinea Bissau responsible for inspecting and monitoring compliance with the provisions of the Agreement.

C. **Training grants**

The two Parties agree that an essential condition for the success of their cooperation is that the competence and know-how of persons engaged in sea fishing should be improved. To this end, the Community shall make it easier for nationals of Guinea Bissau to find places in establishments in its Member States and shall provide for that purpose, in the various scientific, technical and economic subjects connected with fisheries, 10 study and training grants for three-year periods or the equivalent for one-year periods.

REPUBLIC OF GUINEA BISSAU

A1

OFFICE OF THE SECRETARY OF STATE FOR FISHERIES

APPLICATION FOR A FISHING LICENCE (1)

1. Valid from:..... to: .....
2. Name of vessel: .....
3. Name of shipowner: .....
4. Port and registration number: .....
5. Type of fishing: .....
6. Authorized mesh size: .....
7. Length of vessel: .....
8. Width of vessel: .....
9. Gross registered tonnage: .....
10. Hold capacity: .....
11. Engine rating: .....
12. Type of construction: .....
13. Usual number of seamen aboard: .....
14. Radio/electrical equipment: .....
15. Master's name: .....

The above information is the sole responsibility of the shipowner or his representative.

Date of application: .....

(1) The original application form is issued in French and Portuguese only.

OFFICE OF THE SECRETARY OF STATE FOR FISHERIES

STATISTICS ON CATCH AND ACTIVITY

Month: Year:

Name of vessel:	
Nationality (flag):	

Engine rating:	
Gross registered tonnage:	

Fishing method:	
Port of landing:	

Date	Fishing zone		Number of fishing operations	Number of fishing hours	Species of fish							
	Longitude	Latitude									Other	Totals
1/												
2/												
3/												
4/												
5/												
6/												
7/												
8/												
9/												
10/												
11/												
12/												
13/												
14/												
15/												
16/												
17/												
18/												
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22/												
23/												
24/												
25/												
26/												
27/												
28/												
29/												
30/												
31/												

INSTRUCTIONS FOR FILLING IN THE LOG-BOOK

Each ship's master shall be responsible for the information supplied every month to the Office of the Secretary of State for Fisheries. He shall fill in this log-book in a spirit of frank cooperation.

The following information is requested:

1. Month: Year:
2. Name of vessel:
   Nationality (flag):
3. Engine rating in HP:
   Gross registered tonnage (GRT):
4. Fishing method (gear):
   Port of landing:

The statistical table of catches and fishing activity is divided into two parts.

The first part shows the daily fishing activity (each horizontal line corresponds to a day's activity). The first page should be used for the first half of the month and the second page for the latter half.

The master should indicate the fishing zone by noting the latitude and longitude. He should note the number of times the net is thrown per day. He should give the total number of fishing hours for each day.

The second part of the log is for information on catches, in kilograms or in tonnes. It should be clearly stated whether the figure is in kilograms or tonnes. There are seven columns, one for each species. Only the six most important species fished should be entered in the log. The column before the total (headed 'other') should be reserved for the sum of all other species fished.

The monthly logs, once filled in, should be sent every month to the Office of the Secretary of State for Fisheries for those vessels landing their catches in Bissau. For other vessels, the monthly logs should be sent, duly filled in, to the Office of the Secretary of State for Fisheries every three months.

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2. The following paragraph 3 shall be inserted in the Agreement in the form of an exchange of letters between the European Economic Community and the Government of the Republic of Guinea Bissau on fishing off the coast of Guinea Bissau:

> "3. Eight Guinea Bissau seamen shall be taken on board the wet tuna vessel fleet during the tuna fishing season in Guinea Bissau waters under conditions to be determined within the Joint Committee." '

Article 2

This Agreement shall enter into force on the date on which the Parties notify each other of the completion of the procedures necessary for this purpose.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 28 March 1983

on the conclusion of a Community-COST Concertation Agreement on a concerted action project in the field of shore-based marine navigation aid systems (COST Project 301)

(83/124/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Decision 82/887/EEC of 13 December 1982 adopting a concerted action project for the European Economic Community in the field of shore-based marine navigation aid systems [1], and in particular Article 6 thereof,

Having regard to the Council Decision of 4 May 1982 authorizing the Commission to negotiate an Agreement between the Community and the non-member States participating in the European cooperation in the field of scientific and technical research for the implementation of a concerted action project on shore-based marine navigation aid systems,

Having regard to the draft Decision submitted by the Commission,

Whereas the Commission has completed the negotiations concerning the Agreement in question; whereas the Agreement should therefore be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Community-COST Concertation Agreement on a concerted action project in the field of shore-based maritime navigation aid systems (COST Project 301) is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

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

Done at Brussels, 28 March 1983.

For the Council

The President

J. ERTL

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[1] OJ No L 378, 31. 12. 1982, p. 32.

COMMUNITY-COST CONCERTATION AGREEMENT

on a concerted action project in the field of shore-based marine navigation aid systems (COST Project 301)

THE EUROPEAN ECONOMIC COMMUNITY,

hereinafter referred to as 'the Community',

and

THE SIGNATORY STATES TO THIS AGREEMENT,

hereinafter referred to as 'the participating non-member States',

WHEREAS a European concerted action project in the field of maritime navigation aid systems may contribute to the reduction of the risk of accidents in coastal areas and ports and, consequently, to the protection of human life and the safety of ships and their cargo, and the prevention of pollution on the shore and in coastal waters;

WHEREAS a research programme in the field of maritime navigation aid systems was proposed in 1979 by Finnish and French delegations within the framework of European Cooperation in the field of Scientific and Technical Research (COST);

WHEREAS, by its Decision of 13 December 1982, the Council of the European Communities adopted a Community concerted action project in the field of shore-based maritime navigation aid systems;

WHEREAS the Member States of the Community and the participating non-member States, hereinafter referred to as 'the States', intend, subject to the rules and procedures applicable to their national programmes, to carry out the research described in Annex A and are prepared to integrate such research into a process of concertation which they consider will be of mutual benefit;

WHEREAS international organizations are carrying out projects in this field; whereas account should be taken of such projects so as to preclude duplication of effort; whereas certain equipment and procedures should, if appropriate, be the subject of agreements within the framework of the competent organizations;

WHEREAS the implementation of the research covered by the concerted action project will require a financial contribution of approximately 13 million ECU from the States,

HAVE AGREED AS FOLLOWS:

Article 1

The Community and the participating non-member States, hereinafter referred to as 'the Contracting Parties', shall participate for a period extending until 31 December 1985 in a concerted action project in the field of shore-based navigation aid systems.

This project shall consist in concertation between the Community concerted action programme and the corresponding programmes of the participating non-member States. Research areas covered by this Agreement are listed in Annex A.

The States shall remain entirely responsible for the research carried out by their national institutions or bodies.

Article 2

A Community-COST Concertation Committee on Action for Shore-Based Marine Navigation Aid Systems, hereinafter referred to as 'the Committee', is hereby set up, within which concertation between the Contracting Parties shall be effected.

The Committee shall draw up its rules of procedure. Its Secretariat will be provided by the Commission of the European Communities, hereinafter referred to as 'the Commission'.

The terms of reference and the composition of this Committee are defined in Annex B.

Article 3

In order to ensure optimum efficiency in the execution of this concerted action project, a project leader shall be appointed by the Commission in agreement with the delegates representing the participating non-member States on the Committee.

Article 4

The maximum financial contribution by the Contracting Parties to the coordination costs for the period referred to in the first paragraph of Article 1 shall be:

— 2 100 000 ECU from the Community,

— 60 000 ECU from each participating non-member State.

In addition, each participating non-member State shall pay an amount calculated by applying to a basic amount of 1 500 000 ECU, representing a part of the Community contribution, the ratio between the gross domestic product of the State concerned for 1980 and the sum of the gross domestic product of the Community and of that State for 1980.

The ECU is defined by the Financial Regulation applicable to the general budget of the European Communities and by the financial arrangements adopted pursuant thereto.

The rules governing the financing of this Agreement are set out in Annex C.

Article 5

1. Through the Committee, the States shall exchange all useful information resulting from the execution of the research covered by the concerted action project. They shall also endeavour to provide information on similar research planned or carried out by other bodies. Any information shall be treated as confidential if the State which provides it so requests.

2. In agreement with the Committee, the Commission shall prepare annual progress reports on the basis of the information supplied and shall forward them to the States.

3. At the end of the concertation period, the Commission shall, in agreement with the Committee, forward to the States a consolidated report on the execution and results of the project. This report shall be published by the Commission not later than six months after it has been forwarded, unless a State objects. In that case the report shall be treated as confidential and shall be forwarded, on request and with the agreement of the Committee, solely to the institutions and undertakings whose research or production activities justify access to knowledge resulting from the performance of the research covered by the concerted action project.

Article 6

1. This Agreement shall be open for signature by the Community and by the non-member States of that Community which took part in the Ministerial Conference held in Brussels on 22 and 23 November 1971.

2. As a condition precedent to its participation in the concerted action project defined in Article 1, each of the Contracting Parties shall, after signing this Agreement, have notified the Secretary-General of the Council of the European Communities not later than 31 December 1983 of the completion of the procedures necessary under its internal provisions for the implementation of this Agreement.

3. For the Contracting Parties which have transmitted the notification provided for in paragraph 2, this Agreement shall come into force on the first day of the month following that in which the Community and at least one of the participating non-member States transmitted these notifications.

For those Contracting Parties which transmit the notification after the entry into force of this Agreement, it shall come into force on the first day of the second month following the month in which the notification was transmitted.

Contracting Parties which have not transmitted this notification when this Agreement comes into force shall be able to take part in the work of the Committee without voting rights until 31 December 1983.

4. The Secretary-General of the Council of the European Communities shall inform each of the Contracting Parties of the notifications provided for in

paragraph 2 and of the date of entry into force of this Agreement.

Article 7

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Economic Community is applied, under the conditions laid down in that Treaty and, on the other hand, to the territories of the participating non-member States.

Article 8

This Agreement, drawn up in a single original in the Danish, Dutch, English, French, German, Greek and Italian languages, each text being equally authentic, shall be deposited in the archives of the General Secretariat of the Council of the European Communities which shall transmit a certified copy to each of the Contracting Parties.

ANNEX A

I. CONTENT OF THE CONCERTED ACTION PROJECT

1. A study of requirements for precise navigation and ship manoeuvring in confined areas under various hydro-meteorological conditions.

2. A study to develop factors and criteria that can serve as a common determinant for marine traffic problem definition. As a second stage application of these factors and criteria to European waters.

3. An inventory of existing shore-based marine traffic systems in Western Europe, stating:

   — geographical coverage,

   — type of service provided,

   — rules governing operation of the service,

   — traffic intensity in the area,

   — types of traffic in the area.

4. A study of vessel identification methods, for use both in the control of traffic by the monitoring stations and in ship-to-ship communications.

5. A study of methods to enable the monitoring stations to pin-point and track a vessel with accuracy.

6. Methods of shore-to-ship and ship-to-ship commmunication and data exchange systems between monitoring stations and ships.

7. A study of the harmonization of the procedure of traffic, information and guidance services for shipping in Western Europe.

II. RESEARCH AREAS COVERED BY THE AGREEMENT

1. Movement of ships in confined areas.

2. (a) Criteria for standard identification of problem areas for marine traffic.

   (b) Identification of problem areas for marine navigation.

3. Inventory of shore-based marine traffic systems in Western Europe.

4. Identification of ships.

5. Specifications and standards for pin-pointing and precise tracking of ships under way.

6. Shore-to-ship communication methods.

7. Harmonization of the procedures of traffic services.

Among the international organizations with most competence in this area which have been or are working on the above research topics are the following:

— International Maritime Organization (IMO),

— International Association of Lighthouse Authorities (IALA),

— International Association of Ports and Harbours (IAPH).

This list is not exhaustive.

ANNEX B

TERMS OF REFERENCE AND COMPOSITION OF THE COMMUNITY-COST CONCERTATION COMMITTEE

'ACTION FOR SHORE-BASED MARINE NAVIGATION AID SYSTEMS'

1. The Committee shall:

   1.1. contribute to the optimum implementation of the project by giving its opinion on all aspects of its progress;

   1.2. evaluate the results of the project and draw conclusions as to their application;

   1.3. be responsible for the exchange of information referred to in Article 5 (1);

   1.4. keep track of national research work carried out in the fields covered by the project, in particular by keeping itself informed about scientific and technical developments which might have an influence on its implementation;

   1.5. take care to avoid duplicating studies and research work being carried out by the competent international organizations, taking account of the international framework in which certain provisions should, where necessary, be adopted;

   1.6. provide guidelines for the project leader;

   1.7. assist the Commission in the selection of contractors and the allocation of the corresponding appropriations.

2. The reports and opinions of the Committee shall be transmitted to the States.

3. The Committee shall be composed of one delegate from the Commission, as coordinator of the Community concerted action project, one delegate from each participating non-member State, one delegate from each Member State representing its national programme and the project leader.

   Each delegate may be accompanied by experts. Wherever it deems it is useful, the Committee may invite observers from the relevant international organizations (see Annex A).

ANNEX C

FINANCING RULES

Article 1

This Annex lays down the financial rules referred to in Article 4 of the Community-COST Concertation Agreement.

Article 2

At the beginning of each financial year, the Commission shall send to each of the participating non-member States a call for funds corresponding to its share of the annual coordination costs under the Agreement, calculated in proportion to the maximum amounts laid down in Article 4 of the Agreement.

This contribution shall be expressed both in ECU and the currency of the participating non-member State concerned, the value of the ECU being defined in the Financial Regulation applicable to the general budget of the European Communities and its value determined on the date of the call for funds.

The total contributions shall cover the travel and subsistence costs of the delegates to the Committee, in addition to the coordination costs proper.

Each participating non-member State shall pay its annual contribution to the coordination costs under the Agreement at the beginning of each year, and by 31 March at the latest. Any delay in the payment of the annual contribution shall give rise to the payment of interest by the participating non-member State concerned at a rate equal to the highest discount rate obtaining in the States on the due date. The rate shall be increased by 0,25 of a percentage point for each month of delay The increased rate shall be applied to the entire period of delay. However, such interest shall be chargeable only if payment is effected more than three months after the issue of a call for funds by the Commission.

Article 3

The funds paid by participating non-member States shall be credited to the concerted action project as budget receipts allocated to a heading in the statement of the revenue of the general budget of the European Communities (Commission section).

Article 4

The provisional timetable for the coordination costs referred to in Article 4 of the Agreement is annexed hereto.

Article 5

The Financial Regulation applicable to the general budget of the European Communities shall apply to the management of the appropriations.

Article 6

At the end of each financial year, a statement of appropriations for the concerted action project shall be prepared and transmitted to the participating non-member States for information.

Provisional timetable for the coordination costs relating to the concerted action project on shore-based maritime navigation aid systems (COST Project 301)

(ECU)

	1983	1984	1985	Total
I. Initial estimate of overall requirements:				
– Staff	200 000	200 000	200 000	600 000
– Administrative operating expenditure				
– Contracts for studies	600 000	800 000	100 000	1 500 000
Total	800 000	1 000 000	300 000	2 100 000
II. Revised estimate of expenditure taking into account additional requirements arriving from the accession of participating non-member States:				
– Staff	$800\,000 + \Sigma_i a_i$	$1\,000\,000 + \Sigma_i b_i$	$300\,000 + \Sigma_i c_i$	$2\,100\,000 + \Sigma_i a_i + \Sigma_i b_i + \Sigma_i c_i$
– Administrative operating expenditure				
– Contracts for studies				
III. Difference between I and II to be covered by contribution from participating non-member States:	$\Sigma_i a_i$	$\Sigma_i b_i$	$\Sigma_i c_i$	$\Sigma_i a_i + \Sigma_i b_i + \Sigma_i c_i$

$$a_i = 20\,000 + 600\,000 \frac{GDP_{pns}}{GDP_{EC} + GDP_{pns}}$$

$$b_i = 20\,000 + 800\,000 \frac{GDP_{pns}}{GDP_{EC} + GDP_{pns}}$$

$$c_i = 20\,000 + 100\,000 \frac{GDP_{pns}}{GDP_{EC} + GDP_{pns}}$$

GDP = Gross Domestic Product
pns = participating non-member State
EC = European Community