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(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 150/97

of 12 December 1996

on the conclusion of an Agreement on cooperation in the sea fisheries sector between the European Community and the Kingdom of Morocco and laying down provisions for its implementation

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43, in conjunction with the second subparagraph of Article 228 (3) thereof,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 155 (2) (b) thereof,

Having regard to the proposal from the Commission,

Having regard to the assent of the European Parliament [1],

Whereas on 13 November 1995 the Community and the Kingdom of Morocco negotiated and initialled an Agreement on Cooperation in the sea fisheries sector which provides fishing opportunities for Community fishermen in waters over which Moroccco has sovereignty or jurisdiction and which involves in return from the Community side, *inter alia*, financial assistance for the development of Morocco's fisheries sector;

Whereas, pursuant to Article 155 (2) (b) of the Act of Accession of Spain and Portugal, the Council is required to determine the appropriate procedures to take into consideration all or part of the interests of Ceuta and Melilla when it adopts decisions, case by case, particularly with a view to the conclusion of fisheries agreements with third countries; whereas the said procedures heed to be determined in this particular case;

Whereas, in order to manage them efficiently, the fishing opportunities available to the Community in Morocco's fishing zone should be divided between the Member States and a procedure should be established for determining the vessels subject to the obligation to land their catches in a Moroccan port;

Whereas the fishing activities covered by this Regulation are subject to the controls provided for in Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy [2];

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

Whereas, in accordance with Council Regulation (EC) No 3317/94 of 22 December 1994 laying down general provisions concerning the authorization of fishing in the waters of a third country under a fisheries agreement [3] and with the arrangements agreed in the said Agreement, the flag Member State and the Commission have to ensure that applications for fishing licences comply with those arrangements and the Community rules applicable;

Whereas it is in the Community's interest to approve the aforementioned Agreement;

HAS ADOPTED THIS REGULATION:

Article 1

The Agreement on Cooperation in the sea fisheries sector between the European Community and the Kingdom of Morocco, hereinafter referred to as 'the Agreement', is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Regulation.

[1] OJ No C 141, 13. 5. 1996, p. 94.

[2] OJ No L 261, 20. 10. 1993, p. 1.

[3] OJ No L 350, 31. 12. 1994, p. 13.

Article 2

In order to take into consideration the interests of Ceuta and Melilla, the Agreement and, to the extent required for its application, the provisions of the common fisheries policy relating to the conservation and management of fisheries resources shall also apply to vessels flying the flag of Spain which are recorded on a permanent basis in the registers of the competent authorities at local level (registros de base) in Ceuta and Melilla, under the conditions defined in note 6 of Annex I to Council Regulation (EEC) No 1135/88 of 7 March 1988 concerning the definition of the concept of 'originating products' and methods of administrative cooperation in the trade between the customs territory of the Community, Ceuta and Melilla and the Canary Islands [1].

Article 3

The fishing opportunities granted to the Community shall be allocated according to the table in the Annex.

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

Given that fishing licences for the category 'tuna boats' are annual, unused fishing opportunities will be allocated after applications have been made for licences for the first quarter of each calendar year.

Article 4

The Member States shall:

(a) — check that the data given on the licence application forms provided for in Appendix I to Annex I to the Agreement match that in the Community register of fishing vessels established by Commission Regulation (EC) No 109/94 of 19 January 1994 concerning the fishing vessel register of the Community [2] and report to the Delegation of the Commission of the European Communities to Morocco, hereinafter referred to as 'the Delegation', any changes in that data at the time of subsequent applications,

— verify the accuracy of the other data necessary for the drawing-up of licences;

(b) submit licence applications to the Delegation two working days before the deadline laid down in point B.1.1 of Annex I to the Agreement.

As soon as they have been issued by the Moroccan authorities, licences will be transmitted to the Member States' representatives in Rabat;

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

(d) transmit to the Commission by 30 June and 31 December each year the summaries of the six-monthly inspection reports referred to in point 2 of Chapter IV of Annex II to the Agreement. The summaries shall describe the inspections carried out, the results obtained and the action taken;

(e) — transmit to the Delegation each month a copy of the scientific observers' reports provided for in point 3 (v) of Chapter V of Annex II to the Agreement,

— notify the Commission at six-monthly intervals, by 30 June and 31 December each year, of any infringements revealed by the information contained in these reports and the action taken,

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

(f) — transmit to the Delegation and at the same time to Morocco's authorities a copy of the notice of the inspection missions planned under point 4 of Chapter VI of Annex II to the Agreement and, where relevant, notify them that an observer will be taking part,

— transmit to the Delegation a copy of the Community observers' reports provided for in point 3 of Chapter VI of Annex II to the Agreement concerning the reciprocal observation of shore controls;

(g) adopt the provisions needed to take appropriate action and to initiate administrative proceedings, as provided for in point 4 of Chapter V of Annex II to the Agreement;

(h) transmit to the Delegation the list of vessels flying their flag obliged to land their catches in a Moroccan port in accordance with point B of Annex III to the Agreement.

[1] OJ No L 114, 2. 5. 1988, p. 1. Regulation as amended by Regulation (EEC) No 3902/89 (OJ No L 375, 23. 12. 1989, p. 5).

[2] OJ No L 19, 22. 1. 1994, p. 5.

Article 5

The President of the Council shall give the notification provided for in Article 16 of the Agreement [1].

Article 6

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, 12 December 1996.

For the Council
The President
A. DUKES

[1] The date of entry into force of the Agreement will be published in the *Official Journal of the European Communities* by the General Secretariat of the Council.

ANNEX

Allocation of fishing possibilities between Member States

Fishing categories	Member State	Tonnage available			
		From 1. 12. 1995 to 30. 11. 1996	From 1. 12. 1996 to 30. 11. 1997	From 1. 12. 1997 to 30. 11. 1998	From 1. 12. 1998 to 30. 11. 1999
Cephalopods	Spain	30 212	26 892	23 572	19 920
Shrimp trawlers	Spain	11 200	10 000	9 000	8 200
Longliners	Spain	7 412	7 070	6 591	6 044
	Portugal	3 938	3 760	3 511	3 226
Seiners — north	Spain	1 300	1 300	1 300	1 300
Seiners — south	Spain	4 800	4 800	4 800	4 800
Small-scale	Spain	1 550	1 550	1 550	1 550
Black hake trawlers	Spain	3 000	3 000	3 000	3 000
Pelagic trawlers	France	1 300	1 300	1 300	1 300
Tuna vessels	Spain	17 vessels	17 vessels	17 vessels	17 vessels
	France	10 vessels	10 vessels	10 vessels	10 vessels
Sponge	Greece	5 vessels	5 vessels	5 vessels	5 vessels

AGREEMENT

on cooperation in the sea fisheries sector between the European Community and the Kingdom of Morocco

THE EUROPEAN COMMUNITY,

hereinafter referred to as the 'Community',

and

THE KINGDOM OF MOROCCO,

hereinafter referred to as 'Morocco',

hereinafter referred to as the 'Contracting Parties',

CONSIDERING the close and privileged relations between the Community and Morocco and both Parties' desire to create an effective partnership in the framework of the Euro-Mediterranean project which takes account of the key role played by Morocco in the region;

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

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

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

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

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

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

AWARE of the key role the sea fisheries sector and related industries play in Morocco's economic and social development;

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

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

HAVE AGREED AS FOLLOWS:

Article 1

Purpose and definitions

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

2. For the purposes of this Agreement, the annexes and protocol thereto:

(a) 'Morocco's fishing zone' shall mean the waters over which the Kingdom of Morocco has sovereignty or jurisdiction;

(b) 'Community vessels' shall mean fishing vessels flying the flag of a Member State and registered in the Community which operate in the framework of this Agreement;

(c) 'the Ministry' shall mean Morocco's Ministry of Sea Fisheries and the Merchant Navy;

(d) 'the Delegation' shall mean the Delegation of the Commission of the European Communities to Morocco.

Article 2

Areas of cooperation

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

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

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

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

Article 3

Development activities

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

— the modernization of the inshore fishing fleet and of fisheries-related industries,

— the development of port infrastructure and the improvement of conditions for the reception of fishing fleets in Moroccan ports,

— undertaking aquaculture projects,

— protection of the marine environment and lagoon areas,

— commissioning specific studies,

— developing research into new fishing methods conducive to the rational exploitation of fish stocks,

— the improvement and development of distribution networks for fish products,

— improving assistance and rescue services at sea,

— monitoring the exploitation of fishery resources and improving administrative procedures for managing this Agreement,

— encouraging the establishment and development of joint ventures in the sea fisheries sector and related industries.

Such programmes and operations prepared by Morocco and adopted by the Joint Committee referred to in Article 10 shall receive a financial contribution from the Community in accordance with Article 7 of this Agreement.

Article 4

Vocational training for seamen

The Community shall pay particular attention to Morocco's needs in the matter of vocational training for seamen by developing and strengthening its human resources and the infrastructure and facilities of its maritime training establishments. To those ends it shall make a financial contribution to Morocco in accordance with Article 7 of this Agreement.

Article 5

Fishing opportunities

1. Morocco shall accord Community vessels in Morocco's fishing zone the fishing opportunities set out in the Protocol annexed to this Agreement.

2. The fishing opportunities accorded by Morocco each year to Community vessels and the financial compensation referred to in Article 7 shall be set out in the Protocol annexed to this Agreement.

Article 6

General conditions for the exercise of fishing activities

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

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

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

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

Article 7

Compensation and financial contribution

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

— financial compensation, and

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

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

Article 8

Compliance with the conditions for the exercise of fishing activities

1. The Community undertakes to take all steps necessary to ensure that its vessels comply with the provisions of this Agreement and the laws and regulations governing fishing activities in Morocco's fishing zone, in accordance with the United Nations Convention on the Law of the Sea.

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

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

Article 9

Administrative cooperation

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

— shall develop administrative cooperation to ensure that their vessels respect the provisions of this Agreement and Morocco's regulations on sea fishing, each for its part,

— shall cooperate to prevent and combat illegal fishing, in particular through the exchange of information and close administrative cooperation.

The practical arrangements for the implementation of administrative cooperation are set out at Annex II.

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

Article 10

Joint Committee

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

— supervise the implementation, interpretation and proper working of the Agreement, and the settlement of disputes,

— constitute the necessary point of contact in matters of common interest regarding the fisheries sector,

— adopt the programmes and operations referred to in Article 3 of this Agreement,

— evaluate the results of the cooperation between the Contracting Parties with regard to supervision as set out in Annex II,

— examine the conduct of landings by Community vessels in Moroccan ports;

— examine the application of arrangements for cooperation to combat illegal fishing and for administrative cooperation to ensure respect for Moroccan regulations and the provisions of this Agreement.

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

Article 11

Dispute settlement

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

Article 12

Annexes and Protocol

The Protocol and the fishing data sheets included therein and Annexes I, II and III and their appendices shall form an integral part of this Agreement.

Article 13

Law of the Sea

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

Article 14

Area of application

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

Article 15

Duration and validity

This Agreement shall be valid for four years commencing on 1 December 1995.

Article 16

Final provisions

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

ANNEX I

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

A. DOCUMENTS REQUIRED FOR LICENCE APPLICATIONS

1. On each vessel's first licence application, the Delegation shall submit to the Ministry a 'licence application' form duly completed in respect of each vessel for which a licence is requested in accordance with the model in Appendix 1. The particulars relating to the name of the vessel, its tonnage in grt, external registration number, radio call sign, engine power, overall length and home port, shall be as contained in the register of Community fishing vessels.

2. On a first licence application, the shipowner shall include with the application:

   — a certified copy of the tonnage certificate giving the tonnage of the vessel expressed in grt,

   — a recent, certified colour photograph showing a side view of the vessel in its current state. The photograph shall be at least 15 cm by 10 cm.

   A certified copy of the 'Patente de Navegación' shall also be attached in the case of vessels flying the Spanish flag. Under the relevant national legislation, owners of vessels of recent construction are allowed a period of two years from the date of construction to submit the 'Patente' document.

3. Any alteration to the tonnage of a vessel shall oblige the shipowner concerned to submit a certified copy of the new tonnage certificate and any supporting documents concerning the alteration and, in particular, the copy of the application lodged by the shipowner with the competent authorities, the agreement of those authorities and the details of the changes made.

   Where the structure or external appearance of the vessel is changed, a new photograph must also be submitted.

4. Applications for fishing licences shall be lodged only in respect of those vessels for which the documents required under points 1, 2 and 3 have been sent.

B. LICENCES — APPLICATION, ISSUE AND VALIDITY

1. Licence applications

1. Each quarter the Delegation shall submit to the Ministry a list of vessels which request to engage in fishing activities within the limits specified for each fishing category in the fishing data sheets annexed to the Protocol, at least 20 days before the start of the period of validity of the licences requested.

2. This list shall specify, by type of fishing activity and by zone, the tonnage employed (in grt), the number of vessels and, for each vessel, its main characteristics, the amount of annual licence fees, quarterly fishing fees and the observers' expenses due for the period concerned. For the category 'surface longliners', the line or lines to be used during the period requested should also be indicated.

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

3. A datafile containing all the particulars required to draw up the fishing licences, including any amendments to the vessel data, shall also be attached to the licence application in a format compatible with software used by the Ministry.

4. Licence applications shall be lodged only in respect of vessels complying with the obligations stipulated in points A.1, 2 and 3, F.5, G.1 and 3, H.8, I.6 of Annex I and in Chapter V (2) (v) of Annex II.

   Applications failing to arrive within the deadline prescribed in point (1) will not be handled.

5. For certain fishing categories as listed in the fishing datasheets annexed to the Protocol, an adjustment in the number of vessels shall be allowed within the limits specified on each datasheet to take account of changes in the structure of the fleet and the tonnage of vessels.

   Recourse to these adjustments may not result in the overall tonnage for each of the categories being exceeded.

2. **Issue of licences**

   1. The Ministry shall issue the licences to the Delegation following receipt of the appropriate cheques referred to in E.1, at least 10 days before the start of their period of validity.

   2. Licences shall be drawn up in accordance with the data in the fishing datasheets annexed to the Protocol and shall mention in particular the fishing zone, distance from the coast, the authorized gear, the main species, the authorized mesh sizes and permissible by-catches.

   3. Fishing licences shall be issued only for vessels which have complied with all the administrative formalities required for the issue of licences.

3. **Validity and utilization of licences**

   1. Licences shall be valid only for the period covered by the fees paid and for the fishing zone, the type of gear and fishing category specified in the licence in question.

   2. A vessel may obtain a fishing licence for a different fishing category from one period of validity to the next, provided that that vessel complies with the conditions set out in the fishing datasheets annexed to the Protocol.

   3. Licences shall be issued for a given vessel and shall not be transferable. However, in the event of *force majeure* duly established by the competent authorities of the flag Member State and at the request of the Community, a licence issued for one vessel shall be replaced as soon as possible by a licence issued for another vessel of the same category on condition that the tonnage authorized for that category is not exceeded.

   4. Any adjustments in the amounts paid as a result of withdrawal before the first day of validity of the licence or a licence being transferred shall be effected when payment for the next licence is made.

   5. Licences must be held on board at all times and presented to the inspection authorities on the occasion of any inspection.

C. LICENCE FEES

1. The level of the annual licence fees shall be that set by Moroccan legislation for all vessels of the same type operating in the same fishing zone of Morocco.

2. The licence fee shall cover the calendar year in which the licence is issued and is payable when the first licence for that year is applied for. The amount of such fees shall include any related fee or tax with the exception of port taxes and payments for the provision of services.

3. The Delegation shall be notified of any change in the legislation at least two months before it applies.

D. FISHING FEES

1. Fishing fees shall be calculated for each vessel on the basis of the rates laid down in the fishing datasheets annexed to the Protocol.

2. They shall be payable for each quarter of the calendar year with the exception of the shorter periods consequent on the application of the Agreement, in which case they shall be payable pro rata for the actual duration of the licence.

3. Similarly, in the first and last years of application of the Agreement, periods may be longer or shorter than three months.

E. METHODS OF PAYMENT

1. Following approval by the Ministry of the amounts to be paid based on the lists sent as laid down in point B.1.2 and on the adjustments laid down in point B.3.1 payments shall be made via the Delegation as follows:

   (a) licence fees shall be paid by a cheque made out in ecu and payable to the Trésorier général du Maroc;

   (b) fishing fees shall be paid by a cheque made out in ecu and payable to the Trésorier général du Maroc;

   (c) scientific observers' expenses shall be paid by cheque made out in ecu and payable to the Ministry.

2. The exchange rate of the ecu to the dirham used to draw the cheque referred to in point E.1 (a) shall be the purchase rate fixed by the BANK AL-Maghrib one month before the date laid down in point B. 1.1 for lodging the licence applications.

F. PROVISIONS APPLICABLE TO VESSELS FISHING HIGHLY MIGRATORY SPECIES (TUNA)

1. The fees shall be set at ECU 20 per tonne caught in Morocco's fishing zone.

2. Licences shall be issued for a calendar year following payment of an advance of ECU 4 000 per vessel.

   For the first and last years of the Agreement, the advance shall be calculated pro rata to the duration of validity of the licence.

3. Masters of vessels holding licences for the fishing of highly migratory species shall keep a logbook conforming to the model in Appendix 2 to this Annex.

   They shall forward a copy of the said logbook to the competent authorities no later than 15 days before the end of the third month following that to which it relates. The authorities concerned shall forward the copies immediately to the Delegation which is responsible for forwarding them to the Ministry before the end of the third month following the month to which they relate.

4. By 30 April of each year the Delegation shall submit to the Ministry a statement of fees due for the preceding fishing year based on the catch declarations made by each shipowner.

   For the last year of application of the Agreement, the statement of fees due for the preceding fishing year shall be notified within four months of the expiry of the Agreement.

   The final statement shall be sent to the shipowners concerned who shall have 30 days, with effect from the notification of approval of the figures by the Ministry, within which to discharge their financial obligations to the competent authorities. A cheque made out in ecu to the Trésorier général du Maroc shall be sent by the Delegation to the Ministry no later than one and a half months after the said notification.

   However, if the amount of the final statement is lower than the advance referred to above, the balance shall not be reimbursable.

5. Shipowners shall take all steps necessary to ensure that the copies of the logbook are sent and any additional payments made within the deadlines given in points F.3 and F.4.

   Failure to comply with the obligations laid down in points F.3 and F.4 shall entail automatic suspension of the fishing licence until the shipowner has met such obligations.

G. COMMUNICATION OF CATCH DATA

1. **Logbook**

   1. Masters of vessels of 80 grt or more shall keep the special logbook for fishing in Morocco's fishing zone and update it in accordance with the provisions contained in the explanatory notes hereto.

2. Shipowners shall forward a copy of the logbook to the competent authorities no later than 15 days before the end of the third month following that to which it relates. The authorities concerned shall forward the copies immediately to the Delegation which is responsible for forwarding them to the Ministry before the end of the third month following the month to which they relate.

3. Failure to comply with the obligations laid down in paragraphs 1 and 2 shall entail automatic suspension of the fishing licence until the shipowner has met such obligations.

2. **Quarterly catch declarations**

1. By the end of the third month of each quarter, the Delegation shall notify the Ministry of the quantities caught in the previous quarter by all Community vessels.

2. This information should be broken down by month, by type of fishing, by vessel and by species specified in the logbook.

3. The information shall also be sent to the Ministry in the form of a datafile in a format compatible with the software used by the Ministry.

3. **Reliability of data**

The information in the documents referred to in points G.1 and G.2 must reflect the actual fishing situation in order to constitute one of the bases for monitoring changes in stocks.

H. SIGNING-ON OF SEAMEN/FISHERMEN

1. Shipowners issued with fishing licences shall contribute to the vocational training of Moroccan nationals by employing on board of their vessels at least:

— 1 seaman/fisherman on vessels of at least 50 and less than 80 grt,

— 2 seamen/fishermen on vessels of at least 80 and less than 200 grt,

— 3 seamen/fishermen on vessels of at least 100 and less than 130 grt,

— 4 seamen/fishermen on vessels of at least 130 and less than 150 grt,

— 5 seamen/fishermen on vessels of at least 150 and less than 250 grt,

— 6 seamen/fishermen on vessels of 250 grt or more.

2. The employment contracts of the seamen/fishermen shall be drawn up between the shipowners or their representatives and the seamen/fishermen.

3. If one or more seamen employed on board a vessel fail to report at the time scheduled for its departure, the vessel is authorized to start the planned trip after first notifying the competent authorities of the port of embarkation of the absence of the requisite number of seamen and updating the crew list. The authorities concerned shall notify the Ministry thereof.

The shipowner shall take all necessary steps to ensure that the number of seamen required by this Agreement sign on his vessel by the next trip at the latest.

4. If the contract is not concluded in Morocco or deposited with a Moroccan representative office abroad, the shipowner or his representative shall send a copy of the contract directly to the Ministry within one month or the issue of the licence. The Moroccan representative office abroad shall send to the Ministry a copy of each contract it approves.

5. The contracts shall also cover the social security arrangements applicable to the seamen/fishermen, including life, accident and health insurance.

6. The Delegation shall receive regular lists of those who have successfully completed sea-training courses and secured the diplomas or certificates required by current Moroccan legislation so that priority in signing-on can be given to such seamen.

7. Twice a year the Delegation shall send the Ministry a list of Moroccan seamen on board Community vessels on 1 January and 1 July of each year showing their number in the seamen's register and the vessels on which they are employed.

8. With the exception of the case referred to at point H.3, the failure of shipowners to sign on the specified number of Moroccan seamen shall result in automatic suspension of the fishing licence until that obligation has been met.

I. TECHNICAL INSPECTION

1. Once a year and after any alteration in tonnage or changes to the fishing category necessitating the use of a different type of gear, any vessel authorized to fish must, at the request of the Moroccan authorities, put in at one of the ports selected by the shipowner to undergo a technical inspection.

2. Provided that the vessel holds a fishing licence, this inspection shall be carried out within three months of notification of the request. The shipowner shall report with his vessel, its crew and the fishing gear required for the intended fishing activity to a Moroccan port of his choice selected from those designated by the Ministry.

3. When the inspection has been completed, the master of the vessel shall be issued with a certificate in accordance with the model contained in Appendix 3.

4. The inspection shall be carried out on working days within 24 hours of the arrival of the vessel in the port. The technical inspection shall verify that the vessel's gear conforms to the provisions of the Agreement and that the provisions relating to its Moroccan crew have been complied with. The cost of the inspection, at the rates laid down by Moroccan legislation, shall be borne by the shipowner. The Delegation shall be notified of the said rates by the Ministry at the start of the Agreement's implementation.

5. Any change to those rates shall be notified to the Delegation not less than two months before it comes into force.

6. Failure by the shipowner to comply with the obligations laid down in paragraph 2 shall result in automatic suspension of the fishing licence until such obligations have been met.

J. VESSEL IDENTIFICATION

1. The identification marks of all Community vessels must conform to the relevant Community legislation.

2. Any vessel attempting to disguise its external identification marks shall be liable to the penalties laid down in the legislation in force.

K. SUSPENSION OF LICENCES

The suspension of licences shall apply solely in the cases referred to at points F.5, G.1 and 3, H.8 and I.6 of this Annex and Chapter V (2) (v) of Annex II.

Where the Moroccan authorities decide to suspend the licence of a Community vessel, the master of that vessel shall cease his fishing activities and make for a port of his choice on notification of the suspension. On his arrival at the port, he shall send the original of his licence to the competent authorities. Once the abovementioned obligations have been duly completed, the Ministry shall notify the Delegation of the lifting of the suspension and the licence shall be returned.

Appendix 1

KINGDOM OF MOROCCO

MINISTRY OF OCEAN FISHERIES AND THE MERCHANT NAVY

APPLICATION FORM FOR A FISHING LICENCE FOR COMMUNITY VESSELS IN MOROCCO'S FISHING ZONE

(To be completed on the first licence application)

I. APPLICANT

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

II. VESSEL

1. Name of vessel: .....
2. Flying the flag of: .....
3. External registration No: .....
4. Home port: .....
5. Year and place of construction: .....
6. Radio call sign: ..... Call frequency: .....
7. Type of hull: Steel ☐ Wood ☐ Polyester ☐ Other ☐

III. TECHNICAL CHARACTERISTICS AND EQUIPMENT

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

Done at ..... on .....

Signature of applicant:

.....

In accordance with Annex I, point A.1, certain information has been obtained from the register of Community fishing vessels.

Appendix 2

ICCAT LOGBOOK for TUNA FISHERY

Vessel name		Gross tons	
Flag country		Capacity (M. T.)	
Registration No.		Captain	
Company or Owner		No. of crew	
Address		Reporting date	
		Reported by	

☐ Longline
☐ Baitboat
☐ Purse seine
☐ Trolling
☐ Others _____

Page ____ of ____ pages

	month	day	year	port
Boat LEFT			19	
Boat RETURNED			19	

Number of days at sea: ____ days

Number of fishing days or number of sets made: ____

Trip number: 19 -

Dates		Area				Surf. Water Temp. (in °C)	Effort (Number of Hooks used)	CATCHES																		Bait used			
								Bluefin tuna Thunnus thynnus or macceyii		Yellowfin tuna Thunnus albacares		Bigeye tuna Thunnus obesus		Albacore Thunnus alalunga		Swordfish Xiphias gladius		Striped marlin White marlin Tetrapturus audax or albidus		Black marlin Makaira indica		Sailfish Istiophorus albicans or platypterus		Skipjack Katsuwonus pelamis		Miscellaneous fishes		Daily total (in weight Kg. only)				
Month	Day	Latitude N or S	Longitude E or W					number fish	weight in Kg.	No.	Kg.	No.	Kg.	No.	Kg.	No.	Kg	No.	Kg	No.	Kg	No.	Kg	No.	Kg	Sp.	Kg		Seury	Squid	Livebait	Others
	01																														
	02																														
	03																														
	04																														
	05																														
	06																														
	07																														
	08																														
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	25																														
	26																														
	27																														
	28																														
	29																														
	30																														
	31																														
Landing weight (in Kg.)																															

Remarks

1. Use one sheet per month, and one line per day.
2. At the end of each trip, forward a copy of the log to your correspondent or to ICCAT, General Mola 17, Madrid 1, Spain.
3. "Day" refers to the day you set the line.
4. Fishing area refers to the noon position of the boat. Round off minutes, and record degrees of latitude and longitude. Be sure to record N/S and E/W.
5. The bottom line ("landing weight") should be completed only at the end of the trip. Actual weight at the time of unloading should be recorded.
6. All information reported herein will be kept strictly confidential.

Appendix 3

TECHNICAL INSPECTION CERTIFICATE

No .....

The regional delegate for maritime affairs of ..... certifies that the vessel flying the ..... flag, holder of licence No ....., the characteristics of which are set out below, underwent a technical inspection on .../.../199..

Name of vessel: ..... External registration No: .....

Type of licence: .....

Tonnage (GRT): .....

Vessel's total length: .....

Type of storage used: .....

Name of master or owner: .....

Last date of entry into Morocco's fishing zone: .....

Name of observer on board: .....

FISHING GEAR ON BOARD

Type: .....

Number: .....

Dimensions/mesh: .....

Moroccan seamen on board		Seaman's licence		Embarkation	
Name	First Name	No	issued at	Date	Place

Vessel's papers	Issued on	Place	Validity term
Tonnage certificate			
Identity book			
Navigation licence			
National load line certificate			
Seaworthiness certificate			

Fishing log up to date?	Yes		No	
Crew list up to date?	Yes		No	

Comments:

ANNEX II

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

THE CONTRACTING PARTIES,

aware of their interest in the conservation and rational exploitation of fish resources and the protection of the marine environment,

concerned to ensure that measures for developing and conserving fish resources are made effective, and cooperating to apply an effective system of controls on all fishing activities by Community vessels,

HAVE AGREED ON THE FOLLOWING MEASURES:

CHAPTER I

Entering and leaving the fishing zone

Captains of Community vessels, except those of less than 50 grt, shall notify their entry into and exit from Morocco's fishing zone, and the amount of catch held on board at that time, to the radio station of the Ministry.

However, should it be impossible to communicate by radio, captains may use other means of communication such as telex or fax to inform the Ministry of their date of entry into and exit from Morocco's fishing zone and the amount of catch held on board at that time in accordance with the model in Appendix 1 to this Annex.

Where vessels have no telex or fax machine on board, the information on their entry into the fishing zone may be supplied on departure from their home port and information on exit not more than 24 hours after the return of the vessel to the home port in accordance with the model in Appendix 1 to this Annex.

Reports on entry into the fishing zone conveyed by telex or fax shall include the names and seaman's book numbers of Moroccan seamen on board.

Details of the radio station and the telex and fax numbers of the Ministry are in Appendix 2 to this Annex.

CHAPTER II

Innocent passage

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

CHAPTER III

Transhipment

Transhipment at sea of catches between licensed fishing vessels or with any other unit shall be prohibited in Morocco's fishing zone.

Any person infringing this provision shall be liable to the penalties provided for by the law in force on the subject.

CHAPTER IV

Inspection and controls

1. *Morocco*

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

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

2. *The Community*

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

CHAPTER V

Moroccan scientific observers on board Community vessels

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

1. *The Ministry*

(i) At the request of the Ministry any Community vessel with a tonnage not less than 80 grt and any vessel holding a licence in the categories cephalopod trawlers, black hake trawlers and pelagic trawlers shall take on board a Moroccan scientific observer. There shall be only one observer at a time per vessel.

(ii) The Ministry shall supply the Delegation each quarter, before licences are issued, with a list in alphabetical order of vessels designated to take on board an observer.

(iii) The period spent by an observer on board a vessel shall be one trip. However, at the express request of the Ministry this period may be spread over several trips according to the average duration of trip for a particular vessel. This request will be made by the Ministry when the name of the observer designated to board the vessel in question is notified. Likewise, in the event of a trip being curtailed, the observer may have to make a further voyage on the same vessel.

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

(v) All costs arising out of the activities of observers, including their salary, emoluments, allowances, and travel expenses shall be borne by the Ministry. However, if the observer's journey is wasted because the shipowner has not respected his commitments, the shipowner shall be liable for the observer's travelling expenses and subsistence for the days when the observer was idle at a rate equal to that to which Moroccan civil servants of the same grade are entitled. Similarly, where there is a delay in taking on the observer for which the shipowner is responsible, the shipowner shall pay the above daily subsistence allowances to the observer.

Any change in the rules concerning subsistence allowances shall be notified to the Delegation not less than two months before they become operative.

(vi) In order to facilitate administrative procedures, the Ministry shall notify the Delegation of the name, position and passport number of the officials designated to carry out these duties in the form of an annual list subject to (quarterly) revision. The list shall be sent to the Delegation at least one month before it becomes operative.

2. *Shipowners/Captains*

(i) Captains of vessels designated to take on board a scientific observer shall make all the arrangements to facilitate boarding and disembarkation by the observer.

The observer shall enjoy the same treatment on board as the vessel's officers and, wherever possible, the same accommodation.

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

(ii) The observer shall be taken on board at the port chosen by the shipowner at the start of the first trip following notification of the list of designated vessels.

Within four weeks of that notification and with 10 days' prior notice the shipowners concerned shall notify, through the Delegation, the dates and ports for taking the observer on board.

(iii) The observer must report to the captain of the designated vessel the day before the proposed date of his embarkation. Should the observer not report on the date of embarkation or be unavailable, as confirmed by the Ministry, the vessel is entitled to leave port at midnight (local time) without an observer on board.

(iv) In order to reimburse Morocco for the costs due to the presence of observers on board vessels 'scientific observer charges' shall be payable at the rate of ECU 3 per grt per quarter per vessel engaged in fishing activities in Morocco's fishing zone in addition to the fee payable by the shipowner.

These charges shall be paid at the same time as the quarterly payments in accordance with point E of Annex I.

(v) Failure to comply with the obligations set out in point 2 (ii) shall result in the automatic suspension of the fishing licence until the shipowner has complied with these obligations.

3. *Scientific observer*

(i) The scientific observer shall have:

— a professional qualification,

— adequate fisheries experience, and

— a thorough understanding of this Agreement and the Moroccan rules applicable.

(ii) The scientific observer shall ensure that Community vessels operating in Morocco's fishing zone comply with the terms of this Agreement. He shall compile a report on this subject. In particular, he shall:

— observe the fishing activities of vessels,

— verify the position of vessels engaged in fishing operations,

— take biological samples as part of scientific programmes,

— record particulars of the fishing gear and the mesh sizes of the nets used, and

— verify the entries in the logbook.

(iii) Observation shall be confined to fishing activities and related activities governed by this Agreement.

(iv) The scientific observer shall:

— take all appropriate steps to ensure that the conditions of his boarding and his presence on the vessel neither interrupt nor hamper fishing operations,

— use the instruments and procedures approved for measuring the mesh sizes of nets used under this Agreement, and

— treat with due care property and equipment on board the vessel and respect the confidentiality of all the vessel's papers.

(v) At the end of the observation period and before leaving the vessel the observer shall draw up a report in accordance with the model in Appendix 3. He shall sign it in the presence of the captain, who may add or cause to be added to it any observations which he considers relevant, followed by his signature. A copy of the report shall be handed to the captain when the observer is put ashore.

The observer shall lodge a copy of the report with the inspection authorities immediately on the arrival of the vessel in port.

4. *Competent authorities*

The competent authorities receiving reports from scientific observers shall be obliged to check their content and conclusions as soon as possible.

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

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

CHAPTER VI

Mutual observation system for shore-based controls

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

1. *Objectives*

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

To attend the landing controls provided for in Annex III and to observe how these are carried out.

2. *Status of observers*

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

This observer should have:

— a professional qualification,

— appropriate experience in the fisheries field, and

— thorough knowledge of the provisions of this Agreement.

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

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

3. *Duties of observers*

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

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

4. *Implementation*

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

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

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

5. *Confidentiality*

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

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

6. *Location*

This programme will be implemented in the ports of Las Palmas and Agadir.

7. *Financing*

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

CHAPTER VII

Continuous satellite-tracking system

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

1. *Objectives*

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

2. *Implementation*

The Contracting Parties agree to set up a working group to define the procedures for setting up, implementing and financing the project, which shall enter into force on 1 December 1996.

CHAPTER VIII

Procedure in the event of boarding

1. *Transmission of information*

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

The Delegation shall also be kept informed of the progress of the procedures and any penalties imposed.

2. *Statement of boarding*

After the Moroccan authority responsible for fishery protection duties has drawn up a statement, the master of the vessel shall sign it.

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

He shall take the vessel to the Moroccan port indicated by the Moroccan authority responsible for fishery protection duties.

3. *Settlement of boarding*

In accordance with the Dahir (Decree) of 23 November 1973 governing sea fishing, the infringement may be settled:

(a) by administrative settlement:

the amount of the fine shall be determined in accordance with Moroccan legislation laying down minimum and maximum figures;

(b) through legal proceedings:

if there is no administrative settlement and the matter is brought before a competent judicial body, a bank security shall be determined by the competent authorities as soon as possible in accordance with Article 110 of the Dahir (Decree) of 31 March 1919 and lodged by the shipowner with a bank designated by the Moroccan authorities.

The bank security shall be irrevocable until the legal proceedings have been concluded.

It shall be released, less any trial costs, by the competent authority once the legal proceedings have concluded without the master in question being found guilty.

Similarly, if he is found guilty and the fine imposed is less than the security lodged, the balance, less any trial costs, shall be released after the judgment.

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

— either as soon as the obligations imposed by the administrative settlement procedure have been completed on presentation of the receipt for the settlement, or

— when proof of lodging of a bank securitiy pending completion of the legal proceedings is provided.

CHAPTER IX

Discarding at sea

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

CHAPTER X

Fight against illegal fishing

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

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

Appendix 1

TO: Moroccan Ministry of Sea Fisheries and the Merchant Navy
Directorate for Maritime Fisheries and Aquaculture
Nouveau quartier administratif, Haut Agdal
Rabat

Fax: (212 7) 77 85 66 (77 85 40 / 77 10 41)

ENTRY AND EXIT DECLARATION FOR MOROCCO'S FISHING ZONE

1. NAME OF SHIP: .....
2. EXTERNAL MATRICULATION No: .....
3. NATIONALITY: .....
4. LICENCE No: .....
5. FISHING CATEGORY: .....
6. DATE OF COMMUNICATION: _____ / _____ / _____ / (D M Y)
7. ENTRY DATE ☐ _____ / _____ / _____ / (D M Y)
8. EXIT DATE ☐ _____ / _____ / _____ / (D M Y)
9. CATCH RETAINED ON BOARD AT THE TIME OF COMMUNICATION

Species	Boxes		Total catch (in tonnes)
	No	kg/Box	
Main species	.....	.....	.....
By-catches	.....	.....	.....
Others	.....	.....	.....
TOTAL	.....	.....	.....

10. MOROCCAN SEAMEN ON BOARD

Name of seaman	Discharge book No
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....

Appendix 2

RADIO STATION AND OTHER MEANS OF COMMUNICATION WITH MINISTRY OF SEA FISHERIES AND MERCHANT MARINE OF THE KINGDOM OF MOROCCO

1. **General features**

   — Call sign: CNM
   — Location: Rabat
   — Frequency range: 1,6 to 30 Mhz
   — Type of broadcast: J3E-A1A-J2B
   — Broadcast power: 800 W

2. **Operating frequency**

Bands	Paths	Frequencies	
		CNM-Reception	CNM-Broadcast
8	831	8 285	8 809
12	1 206	12 245	13 092
16	1 612	16 393	17 275

3. **Availability of station**

Periods	Hours
Weekdays	8.30 a.m. to 12 noon and 2.30 to 6.30 p.m.
Saturday, Sundays and holidays	9.30 a.m. to 2 p.m.
Month of Ramadan	9.30 a.m. to 3 p.m.

4. UHF channel 16 (frequency: 156,8 Mhz)

5. Radiotelex communications (J2B) and character ((A1A) conventions are always preceded by a radio-telephone call.

6. Tel: (212 7) 77 01 44 / 77 01 54
   Fax: (212 7) 77 85 40 / 77 85 66 / 77 10 41
   Telex: 36373 / 36272 / 36271

7. Address: Ministère des pêches maritimes et de la marine marchande
   Direction des pêches maritimes et de l'aquaculture
   Nouveau quartier administratif, Haut Agdal, Rabat.

Appendix 3

EUROPEAN COMMUNITY-MOROCCO FISHERIES AGREEMENT

REPORT OF THE MOROCCAN SCIENTIFIC OBSERVER

Name of observer: .....

Vessel: ..... Nationality: .....

Number and port of registration: .....

Identity marking: ..... tonnage (grt): ..... Power: ..... HP .....

Licence: ..... No: ..... Type: .....

Master's name: ..... Nationality: .....

Boarded: Date: ..... Port: .....

Disembarked: Date: ..... Port: .....

Authorized fishing method: .....

Gear used: .....

Mesh size and/or dimensions: .....

Fishing zones frequented: .....

Distance from coast: .....

Number of Moroccan crew on board: .....

Entry into: ...../...../..... and departure ...../...../.....from the fishing zone

Observer's estimate

Overall production (kg): ....., declared on ..... gt

By-catches: species: ....., estimated: ..... %

Discards: species: ....., quantity: ..... (kg)

Species retained						
Quantity (kg)						
Species retained						
Quantity (kg)						

Observer's findings		
Nature of findings	date	position

Observer's comments (general) .....

.....

.....

.....

Done at ..... Date .....

Observer's signature

.....

Master's comments .....

.....

.....

Copy of report received (date) .....

Master's signature .....

Report forwarded to: .....

Quality: .....

(seal)

ANNEX III

LANDING OF CATCHES

In the interests of improving integration with a view to the joint development of their respective fisheries sectors, the Contracting Parties have agreed to adopt the following provisions in respect of the landing of catches in Moroccan ports by Community vessels:

A. OPTIONAL LANDING OF CATCHES

(a) Fishing vessels of all categories may land their catches at a Moroccan port from the first year of the Agreement.

When applying for quarterly licences shipowners shall notify their intention of landing all catches made during the quarter concerned.

(b) The shipowner shall choose the port and date of landing and shall inform the Moroccan port authorities and the Ministry by fax or telex 72 hours in advance of the expected arrival in port, giving an estimate of the total quantity to be landed. The said authorities shall send confirmation by the same means within 24 hours that landing operations will take place within 24 hours of the vessel's arrival in port.

Should the port authorities fail to provide the required confirmation within the set time-limit, the landing shall be deemed to have taken place for that trip.

(c) Landing operations shall be completed within 24 hours of the vessel's arrival in port. In the event of failure to comply with this time-limit the vessel shall be entitled to leave the port and the landing shall be deemed to have taken place for that trip. The master shall be given a certificate equivalent to that provided for in paragraph (d).

(d) Once landing operations have been completed the port authorities shall give the master a landing certificate.

(e) Seamen on fishing vessels shall enjoy transit facilities based on a discharge book.

B. COMPULSORY LANDING OF CATCHES

1. The number of Community fishing vessels classed as cephalopod vessels required to land their catches in a Moroccan port shall be as follows:

Year 2: 12 vessels

Year 3: 15 vessels

Year 4: 25 vessels

2. When applying for the licence for the first period of the second, third and fourth years of the Agreement the Community shall submit a list of vessels required to land all catches made during the year concerned.

3. Except in the circumstances provided for in subparagraphs 4 (b) and (c), where a vessel named on the list referred to in paragraph 2 is unable to land its catch it shall be replaced by another vessel for the same quarter and the Ministry shall be informed accordingly.

4. **Conditions**

(a) When applying for quarterly licences shipowners shall notify their landing intentions for the quarter concerned. The number of vessels shall comply with paragraph B.1.

(b) The shipowner shall choose the port and date of landing and shall inform the Moroccan port authorities and the Ministry by fax or telex 72 hours in advance of the expected arrival in port, giving an estimate of the total quantity to be landed. The said authorities shall send confirmation by the same means within 24 hours that landing operations will take place within 24 hours of the vessel's arrival in port.

Should the port authorities fail to provide the required confirmation within the set time-limit, the landing shall be deemed to have taken place for that trip.

(c) Landing operations shall be completed within 24 hours of the vessel's arrival in port. In the event of failure to comply with this time limit, the vessel shall be entitled to leave the port and the landing shall be deemed to have taken place for that trip. The master shall be given a certificate equivalent to that provided for in paragraph 4 (d).

(d) Once landing operations have been completed the port authorities shall give the master a landing certificate.

(e) Seamen on fishing vessels shall enjoy transit facilities based on a discharge book.

C. FINANCIAL INCENTIVES

1. **Landings**

Community vessels landing their catch in a Moroccan port shall be accorded a reduction on the fishing fees for the quarter during which the landing takes place. The reduction shall be:

— 15 % for cephalopod vessels making optional or compulsory landings,

— 10 % for optional landings in other fishing categories.

2. **Implementation**

Copies of all landing certificates in respect of all operations carried out during a given quarter shall be sent to the Delegation by the end of the first month of the following quarter.

Approval shall be given by the Ministry by the end of the second month of the following quarter, after which shipowners shall be notified of the amount of the rebate to be accorded to them, which shall be deducted from the fees when the next licence applications are submitted.

3. **Evaluation**

The Joint Committee shall adjust the level of financial incentives to reflect the socio-economic impact of landings effected in the course of a given year.

D. PORTS OF LANDING

By the end of the first six months of application of the Agreement, Morocco shall send the Delegation a list of ports, providing the following information in respect of each:

— general conditions for landing catches, including port charges,

— approved establishments conforming to the relevant Community legislation,

— customs warehouses,

— the maximum size and number of vessels the port can accomodate,

— the conditions and capacity of storage facilities for fresh, chilled and frozen (–22 °C) products,

— average volume and prices for sales of each species at auction in the port,

— taxes or levies applicable to sales of fishery products in fish markets or in the port area,

— means and frequency of transport available to forward fishery products to the Community or other markets,

— conditions and average prices of supplies including fuel, provisions, etc.,

— the radio call sign, telephone, fax and telex numbers and opening hours of the port authority offices,

— any other information which may facilitate landing operations.

E. MONITORING OF LANDING OPERATIONS

The Moroccan supervisory authorities shall be entitled to inspect vessels during landing operations. Such inspection must not delay the said operations.

F. TAX AND/OR FINANCIAL CONDITIONS

1. Community vessels landing catches in a Moroccan port shall be exempt from all taxes or charges having equivalent effect other than port charges and costs which are applied to Moroccan vessels on the same conditions.

2. Fishery products shall qualify for economic customs procedures in accordance with the relevant Moroccan legislation and shall therefore be exempt from all customs duties or charges having equivalent effect on entry into a Moroccan port or on export, and shall be regarded as goods in 'temporary transit' ('temporary storage').

3. Shipowners shall be free to decide how their vessel's catch will be disposed of, whether processed, stored under customs control, sold in Morocco or exported (for dirhams or for foreign currency).

4. Sales in fish markets or in the port area to the Moroccan market shall be subject to the same charges and levies as Moroccan fisheries products.

5. The proceeds may be exported without application of any further charge (exempt from customs duties or charges having equivalent effect).

PROTOCOL

setting out fishing opportunities and the financial compensation and financial contributions

Article 1

For a four-year period from 1 December 1995, the fishing opportunities provided for in Article 5 of the Agreement, calculated on a monthly basis, shall be as set out in the datasheets annexed to this Protocol.

Article 2

The financial compensation provided for in Article 7 of the Agreement is set for the period referred to in Article 1 at ECU 355 million, payable in four annual instalments as follows:

Year 1: ECU 100 million

Year 2: ECU 90 million

Year 3: ECU 85 million

Year 4: ECU 80 million

Article 3

The financial contribution provided for in Article 3 of the Agreement to launch and undertake the measures for the sustainable development of Morocco's fisheries sector and to reinforce the solidarity of the interests of their respective operators is set at ECU 121 million.

This contribution shall be paid in annual instalments as follows:

Year 1: ECU 21 million

Year 2: ECU 25 million

Year 3: EUC 35 million

Year 4: ECU 40 million

Article 4

The financial contribution provided for in Article 2 of the Agreement to strengthen scientific research in fisheries and implement a policy for the management of Morocco's fishery resources is set at ECU 16 million for the period referred to in Article 1.

The contribution shall be payable in four annual instalments of ECU 4 million each.

Article 5

1. The financial contribution referred to in Article 4 of the Agreement for seagoing training schemes to develop and strengthen human resources, infrastructure and facilities in sea-training institutes in Morocco is set at ECU 7 600 000 for the period referred to in Article 1.

This contribution shall be payable in four annual instalments of ECU 1 900 000 each.

2. Furthermore, an amount of ECU 400 000 shall be made available to the Ministry and its sea-training establishments to cover expenses relating to seminars and training visits.

Article 6

The financial compensation and financial contributions shall be paid into an account opened with a financial institution or other body designated by Morocco.

Fishing datasheet No 1

FISHING CATEGORY: CEPHALOPOD VESSELS

1. **Fishing zone:** Southern zone.

   (a) Boundary of the zone:

   — Atlantic: south of 28°44'N.

   (b) Distance from the coast:

   — 12 miles.

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

   Doubling of the cod-end is prohibited.

   Doubling of the cod-end filaments is prohibited.

3. **Minimum mesh size authorized:** 60 mm.

4. **Biological rest period:** Two (2) months: September and October.

   The Contracting Parties may agree the possibility of adjusting this biological rest period.

5. **By-catches:** —

6. **Authorized tonnage/number of vessels/Fees:**

Period	From 1. 12. 1995 to 30. 11. 1996	From 1. 12. 1996 to 30. 11. 1997	From 1. 12. 1997 to 30. 11. 1998	From 1. 12. 1998 to 30. 11. 1999
Authorized tonnage (grt)	30 212	26 892	23 572	19 920
Number of vessels authorized to fish (1)	128	116	105	86
Fees in ecu/grt/quarter	87	91	96	101

(1) Number of vessels may vary by 5 %.

7. **Comments:** —

Fishing datasheet No 2

FISHING CATEGORY: SHRIMP TRAWLERS

1. **Fishing zone:** North Atlantic and Mediterranean.

   a) Boundary of the zone: north of 28°44'N.

   b) Distance from the coast:

   — Mediterranean: 3 miles

   — Atlantic: 12 miles.

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

   Doubling of the cod-end is prohibited.

   Doubling of the cod-end filaments is prohibited.

3. **Minimum mesh size authorized:** 50 mm.

4. **Biological rest period:** Two (2) months: January and February.

5. **By-catches:** —

6. **Authorized tonnage/Number of vessels/Fees:**

Period	From 1. 12. 1995 to 30. 11. 1996	From 1. 12. 1996 to 30. 11. 1997	From 1. 12. 1997 to 30. 11. 1998	From 1. 12. 1998 to 30. 11. 1999
Authorized tonnage (grt) (1)	11 200	10 000	9 000	8 200
Number of vessels authorized to fish (2)	150	134	122	113
Fees in ecu/grt/quarter				
< 50 grt	49	51	54	57
≥ 50 and < 80 grt	61	64	67	70
≥ 80 and < 100 grt	73	77	81	85
≥ 100 grt	104	109	114	120

(1) Of which up to 13 % may be used each quarter in the Mediterranean.
(2) Number of vessels may vary by 10 %.

7. **Comments:** —

Fishing datasheet No 3

FISHING CATEGORY: LONGLINERS

1. **Fishing zone:** Atlantic and Mediterranean.

   Distance from the coast:

   — Mediterranean: 3 miles

   — Atlantic: 12 miles.

2. **Authorized gear:**

   — longlines,

   — fixed gillnets,

   — trammel nets,

   — the use of driftnets and entangling nets as well as monofilament and multi-monofilament nets is strictly prohibited,

   — the use of multifilament nets made of several natural fibre and/or synthetic filaments is authorized,

   — the maximum length of fixed gillnets permitted is 1 000 metres and the minimum distances between panels must be:

      — 200 m if the net is set parallel to the coast

      — 100 m if the net is set perpendicular to the coast.

3. **Minimum mesh size authorized:** —

4. **Biological rest period:** Two (2) months: 15 March to 15 May.

5. **By-catches:** 0 % crustaceans.

6. **Authorized tonnage/Number of vessels/Fees:**

Period	From 1. 12. 1995 to 30. 11. 1996	From 1. 12. 1996 to 30. 11. 1997	From 1. 12. 1997 to 30. 11. 1998	From 1. 12. 1998 to 30. 11. 1999
Authorized tonnage (grt) (1)	11 350	10 830	10 102	9 270
Number of vessels authorized to fish (2)	174	164	152	140
Fees in ecu/grt/quarter	52	55	58	61

(1) Of which up to 250 grt may be used each quarter in the Mediterranean.
(2) Number of vessels may vary by 10 %.

7. **Comments:**

   The gear to be used must be notified when the quarterly licence is applied for.

Fishing datasheet No 4

FISHING CATEGORY: SEINERS – NORTH

1. **Fishing zone:** North Atlantic and Mediterranean.

   a) Boundary of the zone:

   — Mediterranean,

   — Atlantic: north of 34°18'N.

   b) Distance from the coast:

   — Mediterranean: 1 mile

   — Atlantic: 1 mile north of 35°48'N,

   2 miles between 34°18'N and 35°48'N.

2. **Authorized gear:** seine net

   — Maximum dimensions authorized: 500 m × 90 m.

3. **Minimum mesh size authorized:** —

4. **Biological rest period:** Two (2) months: February and March.

5. **By-catches:** —

6. **Authorized tonnage/Number of vessels/Fees:**

Period	From 1. 12. 1995 to 30. 11. 1996	From 1. 12. 1996 to 30. 11. 1997	From 1. 12. 1997 to 30. 11. 1998	From 1. 12. 1998 to 30. 11. 1999
Authorized tonnage (grt) (1)	1 300	1 300	1 300	1 300
Number of vessels authorized to fish (2)	26	26	26	26
Fees in ecu/grt/quarter	52	55	58	61

(1) Of which up to 100 grt may be used each quarter in the Mediterranean.
(2) Number of vessels may vary by 10 %.

7. **Comments:**

   Fishing with seine nets is prohibited in the zone between the 28°44'N and 34°18'N parallels.

Fishing datasheet No 5

FISHING CATEGORY: SEINERS SOUTH

1. **Fishing zone:** Southern zone.

   (a) Boundary of the zone:

   Atlantic: south of 28°44'N

   (b) Distance from the coast:

   — 2 miles.

2. **Authorized gear:** seine net

   — Maximum dimensions authorized 1 000 m x 130 m.

3. **Minimum mesh size authorized:** —

4. **Biological rest period:** Two (2) months: February and March.

5. **By-catches:** —

6. **Authorized tonnage/Numer of vessels/Fees:**

Period	From 1. 12. 1995 to 30. 11. 1996	From 1. 12. 1996 to 30. 11. 1997	From 1. 12. 1997 to 30. 11. 1998	From 1. 12. 1998 to 30. 11. 1999
Authorized tonnage (grt)	4 800	4 800	4 800	4 800
Number of vessels authorized to fish (1)	11 (2)	11 (2)	11 (3)	11 (3)
Fees in ecu/grt/quarter	56	59	62	65

(1) Number of vessels may vary by 10 %.
(2) 9 vessels fishing the C stock and two vessels (maximum 400 grt) on the B and C stocks.
(3) 11 vessels fishing the C stock.

7. **Comments:** —

Fishing datasheet No 6

FISHING CATEGORY: SMALL-SCALE FISHING

1. **Fishing zone:** Southern zone.

   (a) Boundary of the zone:

   — Atlantic: south of 30°40'N.

   (b) Distance from the coast: 1 mile.

2. **Authorized gear:**

   — hand lines

   — rods

   — pots.

   The use of longlines, grammels, fixed gillnets, driftnets, 'traina' and croaker nets is prohibited.

3. **Minimum mesh size authorized: —**

4. **Biological rest period: —**

5. **By-catches: —**

6. **Authorized tonnage/Number of vessels/Fees:**

Period	From 1. 12. 1995 to 30. 11. 1996	From 1. 12. 1996 to 30. 11. 1997	From 1. 12. 1997 to 30. 11. 1998	From 1. 12. 1998 to 30. 11. 1999
Authorized tonnage (grt)	1 550	1 550	1 550	1 550
Number of vessels authorized to fish (1)	46	46	46	46
Fees in ecu/grt/quarter				
< 50 grt	35	37	39	41
≥ 50 grt	42	44	46	48

(1) Number of vessels may vary by 10 %.

7. **Comments:**

   Vessels of 80 grt and over are not authorized to fish in this category.

Fishing datasheet No 7

FISHING CATEGORY: BLACK HAKE TRAWLERS

1. **Fishing zone:** Southern zone.

   (a) Boundary of the zone: Atlantic: south of 28°44'N, fishing the zone corresponding to the sardine 'C' stock

   (b) Distance from the coast: 15 miles.

2. **Authorized gear:** bottom trawl

   Doubling of the cod-end is prohibited.

   Doubling of the cod-end filaments is prohibited.

3. **Minimum mesh size authorized:** 60 mm.

4. **Biological rest period:** Two (2) months: September and October.

   Aligned on the months of biological rest fixed for cephalopods.

5. **By-catches:**

   — Maximum: 10 % of cephalopods and crustaceans

   20 % of other species.

6. **Authorized tonnage/Number of vessels/Fees:**

Period	From 1. 12. 1995 to 30. 11. 1996	From 1. 12. 1996 to 30. 11. 1997	From 1. 12. 1997 to 30. 11. 1998	From 1. 12. 1998 to 30. 11. 1999
Authorized tonnage (grt)	3 000	3 000	3 000	3 000
Number of vessels authorized to fish	11	11	11	11
Fees in ecu/grt/quarter	50	50	52	52

7. **Comments:**

   Vessels operating in this category must be included in the basic list of vessels authorized for the category. This list is to be submitted before the entry into force of the Agreement.

Fishing datasheet No 8

FISHING CATEGORY: PELAGIC TRAWLERS

1. **Fishing zone:** Southern zone.

   (a) Boundary of the zone:

   — Atlantic: south of 28°44'N, fishing the zone corresponding to the sardine 'C' stock

   (b) Distance from the coast:

   — 12 miles.

2. **Authorized gear:** Pelagic trawl and/or midwater pair trawl

   Doubling of the cod-end is prohibited.

3. **Minimum mesh size authorized:** 40 mm.

4. **Biological rest period:** Two (2) months: September and October.

   Aligned on the months of biological rest fixed for cephalopods.

5. **By-catches:**

   — Maximum: 15 % of non-pelagic species

   Prohibited catches: cephalopods, crustaceans, flatfish.

6. **Authorized tonnage/Number of vessels/Fees:**

Period	From 1. 12. 1995 to 30. 11. 1996	From 1. 12. 1996 to 30. 11. 1997	From 1. 12. 1997 to 30. 11. 1998	From 1. 12. 1998 to 30. 11. 1999
Authorized tonnage (grt)	1 300	1 300	1 300	1 300
Number of vessels authorized to fish	12	12	12	12
Fees in ecu/grt/quarter	64	67	70	74

7. **Comments:**

   Where vessels fish in pairs, both must have a licence.

Fishing datasheet No 9

FISHING CATEGORY: TUNA VESSELS

1. **Fishing zone:** Atlantic and Mediterranean.

   (a) Boundary of the zone:

   — Anywhere apart from a protected area east of a line from 33°30'N by 7°35'W to 35°48'N by 6°20'W

   (b) Distance from the coast:

   — 2 miles, including fishing with live bait.

2. **Authorized gear:**

   — pole-and-line

   — seine nets for fishing with live bait.

3. **Minimum mesh size authorized:**

   8 mm for fishing with live bait.

4. **Biological rest period:** —

5. **By-catches:** —

6. **Number of vessels/Fees:**

Period	From 1. 12. 1995 to 30. 11. 1996	From 1. 12. 1996 to 30. 11. 1997	From 1. 12. 1997 to 30. 11. 1998	From 1. 12. 1998 to 30. 11. 1999
Number of vessels authorized to fish	27	27	27	27
Fees in ecu/grt/quarter	ECU 20 per tonne fished			

7. **Comments:**

   A flat-rate advance of ECU 4 000 is to be paid when applying for an annual licence, in accordance with Annex I.

Fishing datasheet No 10

FISHING CATEGORY: SPONGE FISHING

1. **Fishing zone:**

   (a) Boundary of the zone:

   — Mediterranean

   (b) Distance from the coast:

   — The 6-metre isobath.

2. **Authorized gear:**

   Only equipment needed for sponge fishing.

3. **Minimum mesh size authorized:** —

4. **Biological rest period:** —

5. **By-catches:** —

6. **Number of vessels/Fees:**

Period	From 1. 12. 1995 to 30. 11. 1996	From 1. 12. 1996 to 30. 11. 1997	From 1. 12. 1997 to 30. 11. 1998	From 1. 12. 1998 to 30. 11. 1999
Number of vessels authorized to fish	5	5	5	5
Fees in ecu/grt/quarter	46	48	50	53

7. **Comments:** —