



COMMISSION OF THE EUROPEAN COMMUNITIES

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Proposal for a

COUNCIL REGULATION

**on the conclusion of the Fisheries Agreement between the European Community and the
Republic of Mozambique**

(presented by the Commission)

EXPLANATORY MEMORANDUM

In October 1988 the EC and Mozambique concluded a Fisheries Agreement offering Community vessel owners fishing opportunities for shallow-water shrimp, deep-water shrimp and tuna in return for financial compensation. In practice, this Agreement was gradually restricted to tuna fishing, before being terminated in 1993 by Mozambique, which considered that it was no longer in a position to promote the development of its fishing sector.

In May 1996 the Council of Ministers requested the Commission to negotiate a new bilateral Agreement with Mozambique.

Exploratory talks were held with Mozambique from 1999 and the new Agreement was initialled on 21 October 2002. The Agreement will enter into force for a period of three years following reciprocal notification by the Parties that their respective adoption procedures have been completed. It will be automatically renewable unless express notice of termination is given by one of the Parties. A Protocol establishing the fishing opportunities and financial compensation and a technical annex, which form an integral part of the Agreement, will enter into force on 1 January 2004 for an initial period of three years.

In gaining access to Mozambique waters, EC fishing vessels are therefore resuming fishing activities already carried on in the past, and the new Agreement will be added to the network of Community tuna agreements in the region.

Where shrimp fishing opportunities are concerned, the Protocol lays down that a maximum of ten vessels will be authorised to fish for a quota of 1 000 tonnes of deep-water shrimp, as well as 535 tonnes of by-catches. The Commission is responsible for monitoring developments in shrimp-fishing vessels' catches in order to ensure that the overall quota is not exceeded. In addition, for the tuna fishery, the Protocol provides for fishing opportunities for 35 freezer tuna seiners and 14 surface longliners, with a reference tonnage of 8 000 tonnes of tuna and related species.

The overall financial compensation has been fixed at €4 090 000 a year, including €3 490 000 for deep-water shrimp fishing (including by-catches) and €600 000 for fishing for tuna and related species.

The entire financial compensation will be allocated to measures targeted at institutional development, marine surveillance, research, training, quality control and participation by Mozambique in the meetings of the Joint Committee and other international meetings. This must contribute significantly towards the increased development of management capacities for Mozambique fisheries as a whole.

Shrimp fishing vessels fishing under the Agreement will be obliged to take on a sufficient number of Mozambican seamen to make up half of their crew. They will be subjected to health inspection procedures in accordance with Mozambique legislation. These vessels' catches will normally be transhipped in a Mozambican port in the presence of the Mozambican authorities, but if a vessel wishes to leave the fishery zone with its catches on board, it may do so following an inspection in one of the ports by the Mozambican authorities. In either case, catches will be the subject of international transit certification. None of these inspection procedures may affect the Community origin of the catches.

In view of the foregoing, the new Agreement is considered to be well balanced, with a good price-quality ratio, and to be of strategic importance to the EC tuna fishery in the Indian

Ocean. Furthermore, it will encourage the responsible and sustainable exploitation of resources to the mutual benefit of the Community and Mozambique.

The Commission proposes on this basis that the Council adopt the conclusion of this new Fisheries Agreement between the EC and Mozambique by Regulation.

Proposal for a

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37, in conjunction with Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission¹,

Having regard to the opinion of the European Parliament²,

Whereas:

- (1) The Community and the Republic of Mozambique have negotiated and initialled a Fisheries Agreement providing Community fishermen with fishing opportunities in the waters over which Mozambique has sovereignty or jurisdiction in respect of fisheries.
- (2) In addition, that Agreement provides for economic, financial, technical and scientific cooperation in the fisheries sector with a view to guaranteeing the conservation and sustainable exploitation of resources, as well as partnerships between undertakings aimed at developing in the common interest economic activities in the fisheries sector and related activities.
- (3) That Agreement should be approved.
- (4) The allocation of the fishing opportunities among the Member States should be defined,

HAS ADOPTED THIS REGULATION:

Article 1

The Fisheries Agreement between the European Community and the Republic of Mozambique (hereinafter referred to as "the Agreement") is hereby approved by the Community.

The text of the Agreement is attached to this Regulation.

¹OJ C [...] [...], p. [...]

²OJ C [...] [...], p. [...]

Article 2

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

- Demersal freezer trawlers designed to fish for deep-water shrimp:
 - Spain: TAC of 550 tonnes of deep-water shrimp (295 tonnes of by-catches, in accordance with the allocation by species provided for in the Protocol)
 - Greece: TAC of 150 tonnes of deep-water shrimp (80 tonnes of by-catches, in accordance with the allocation by species provided for in the Protocol)
 - Italy: TAC of 150 tonnes of deep-water shrimp (80 tonnes of by-catches, in accordance with the allocation by species provided for in the Protocol)
 - Portugal: TAC of 150 tonnes of deep-water shrimp (80 tonnes of by-catches, in accordance with the allocation by species provided for in the Protocol)
- Freezer tuna seiners:
 - Spain: 17 vessels
 - France: 18 vessels
- Surface longliners:
 - Spain: 8 vessels
 - France: 1 vessel
 - Portugal: 5 vessels

If licence applications from these Member States do not cover all the fishing opportunities fixed by the Protocol, the Commission may take into consideration licence applications from any other Member State.

Article 3

The Member States whose vessels fish under this Agreement shall notify the Commission of the quantities of each stock caught within the Mozambican fishing zone in accordance with Commission Regulation (EC) No 500/2001³.

³OJ L 73, 15.3.2001, p. 8.

Article 4

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

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

Done at Brussels,

For the Council
The President

FISHERIES AGREEMENT

between the European Community and the Republic of Mozambique

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

THE REPUBLIC OF MOZAMBIQUE, hereinafter referred to as "Mozambique", hereinafter referred to as "the Parties",

CONSIDERING the close working relationship between the Community and Mozambique, particularly in the context of the Lomé Convention and the Cotonou Agreement, and their mutual desire to intensify that relationship,

HAVING REGARD TO the United Nations Convention on the Law of the Sea;

AWARE of the importance of the principles established by the Code of conduct for responsible fisheries adopted at the FAO Conference in 1995,

DETERMINED to cooperate, in their mutual interest, in promoting the long-term conservation and sustainable exploitation of living marine resources,

DESIROUS of establishing terms and conditions to govern the activities and cooperation conducted in the Parties' mutual interest in the fishing sector,

CONVINCED that such cooperation will reinforce their mutual interests and the achievement of their respective economic and social objectives,

RESOLVED to pursue closer economic cooperation in the fishing industry and in related activities through the setting up and development of joint enterprises involving undertakings from both Parties,

HAVING DECIDED to promote cooperation in the fisheries sector and connected sectors,

HAVE AGREED AS FOLLOWS:

Article 1

This Agreement establishes the principles, rules and procedures governing:

- economic, financial, technical and scientific cooperation in the fisheries sector with a view to guaranteeing the conservation and sustainable exploitation of fisheries resources, and developing the Mozambican fisheries sector,
- the conditions governing the access of Community fishing vessels to Mozambican waters,
- the partnerships between enterprises aimed at developing, in the common interest, economic activities in the fisheries sector and in related activities.

Article 2

For the purposes of this Agreement:

- (a) *"Mozambican authorities"* means the Ministry of Fisheries of the Republic of Mozambique;
- (b) *"Community authorities"* means the European Commission;
- (c) *"Community vessel"* means a fishing vessel flying the flag of a Member State of the Community and registered in the Community;
- (d) *"joint enterprise"* means a commercial company set up in Mozambique by vessel owners or national enterprises from the Parties to carry on fishing or related activities;
- (e) *"Joint Committee"* means a committee made up of representatives of the Community and Mozambique to be responsible for monitoring the application and interpretation of this Agreement.

Article 3

1. Mozambique undertakes to authorise Community vessels to carry on fishing activities in its fishing zone in accordance with this Agreement, including the Protocol and Annex.
2. The fishing activities governed by this Agreement shall be subject to the laws and regulations in force in Mozambique.

Article 4

1. The Community undertakes to take all the appropriate steps required to ensure that its vessels comply with this Agreement and the legislation governing fisheries in the waters over which Mozambique has jurisdiction.
2. The Mozambican authorities shall notify the Commission of any amendments to that legislation.

Article 5

1. The Community shall grant Mozambique financial compensation in accordance with the terms and conditions of access to the Mozambican fisheries defined in the Protocol and Annexes.
2. This financial compensation shall be granted annually to support the programmes and measures implemented by Mozambique in connection with the management and administration of fishing, the conservation and sustainable exploitation of fisheries resources and the development of the Mozambican fishing sector.

Article 6

1. Should serious events other than natural phenomena prevent fishing activities from being carried on in Mozambique's fishing zone, the Community may suspend payment of the financial compensation, following prior consultations between the two Parties.

2. Once the situation has returned to normal, payment of the financial compensation shall be resumed after the two Parties have consulted one another and agreed that the situation is such as to allow the normal exercise of fishing activities.
3. The validity of the licences granted to Community vessels under Article 8 shall be extended by a period equal to that during which fishing activities were suspended.

Article 7

1. The fishing activities carried on by Community vessels in Mozambican waters shall be subject to a licence scheme in accordance with the Mozambican legislation in force.
2. The procedure for obtaining a fishing licence for a vessel, the taxes applicable and the method of payment to be used by vessel owners are defined in the Annex to the Protocol.

Article 8

1. Should considerations relating to the conservation and protection of Mozambique's fisheries resources result in the adoption of management measures which are liable to affect the fishing activities of Community vessels operating under this Agreement, the Parties shall consult one another with a view to adapting the Protocol and its Annexes.
2. In accordance with national legislation, fisheries control arrangements adopted by the Mozambican authorities with a view to preserving resources shall be based on objective, scientific criteria. Such arrangements shall not discriminate against Community vessels, without prejudice to the agreements concluded between developing countries within one geographical region and, in particular, the reciprocal fisheries agreements.

Article 9

1. The Parties shall encourage economic, commercial, scientific and technical cooperation in the fisheries sector and related sectors. They shall consult one another with a view to coordinating the different measures provided for by this Agreement.
2. The Parties shall encourage exchanges of information on fishing techniques and gear, preservation methods and the industrial processing of fisheries products.
3. The two Parties shall endeavour to create conditions favourable to the promotion of relations between enterprises from the Parties in the technical, economic and commercial spheres.
4. The Parties shall undertake to consult one other, either directly or within the international organisations concerned, to ensure the management and conservation of living resources in the Indian Ocean, and to cooperate in the relevant scientific research.

Article 10

1. The Parties shall encourage the setting-up of joint enterprises in their mutual interest with a view to developing fishing and related activities in Mozambique.

2. The transfer of Community vessels to joint enterprises and the creation of joint enterprises in Mozambique shall be carried out in such a way as to comply systematically with the Mozambican and Community legislation in force.

Article 11

A Joint Committee shall be set up to monitor the application of this Agreement. The task of this Joint Committee shall consist mainly in:

1. monitoring the performance, interpretation and application of the Agreement and, in particular, the implementation of the programmes and measures referred to in Article 5 and described in the Protocol annexed hereto;
2. providing the necessary liaison for questions of mutual interest in the fisheries sphere;
3. acting as a forum for the amicable settlement of any disputes to which the interpretation or application of the agreement may give rise;
4. reassessing, where necessary, the level of fishing opportunities and, consequently, of financial compensation.

The Joint Committee shall meet at least once a year, in Mozambique and the Community alternately. It shall hold a special meeting at the request of either of the Parties.

Article 12

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

Article 13

1. This Agreement shall apply for a period of three years from the date of its entry into force; it shall be renewable for additional periods of three years, unless notice of termination is given in writing by either of the Parties at least six months before the date of expiry of the initial period or each additional period.
2. In the event of either of the Parties giving notice to terminate this Agreement, the parties shall enter into consultations.

Article 14

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

Article 15

This Agreement, drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish and Swedish languages, each of these texts being equally authentic, shall enter into force on the date on which the Parties notify one other that their adoption procedures have been completed.

PROTOCOL
SETTING OUT THE FISHING OPPORTUNITIES AND FINANCIAL CONTRIBUTION PROVIDED FOR IN THE
FISHERIES AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND THE REPUBLIC OF
MOZAMBIQUE

Article 1

From the entry into force of the Agreement and for a period of three years, the fishing opportunities granted under Article 3 of the Agreement shall be as follows:

- demersal freezer trawlers fishing for deep-water shrimp (*gamba*): up to 1 000 tonnes a year and 535 tonnes of by-catches, broken down as follows:

Dublin bay prawn: 100 tonnes,

cephalopods: 75 tonnes,

fish: 240 tonnes,

crawfish: 0 tonnes,

crab: 120 tonnes,

for a maximum of ten vessels.

- freezer tuna seiners: 35 vessels,
- surface longliners: 14 vessels.

Article 2

1. The amount of financial compensation referred to in Article 5 of the Agreement, corresponding to the fishing opportunities referred to in Article 1 of the Protocol, shall be fixed at €4 090 000 a year.

The financial compensation for fishing for tuna and related species shall amount to €600 000 a year; it shall cover catches in Mozambican waters of 8 000 tonnes of tuna and related species. If the quantity caught each year by Community vessels in Mozambique's EEZ exceeds this weight, the amount referred to above shall be proportionately increased at the rate of €75 per additional tonne. However, the total amount of financial compensation paid by the Community for fishing for tuna and related species shall be subject to an upper limit of €1 800 000 a year.

The annual financial compensation for deep-water shrimp fishing and by-catches in Mozambican waters shall be fixed at €3 490 000 for the quantities referred to in Article 1.

2. The financial compensation is intended to finance the measures referred to in Article 3 of this Protocol.

Article 3°

1. The following measures shall be financed from the financial compensation, to the tune of €4 090 000 a year, broken down as follows:
 - (a) €1 500 000 for monitoring marine fisheries;
 - (b) €1 000 000 for institutional development;
 - (c) €1 000 000 for research;
 - (d) €430 000 for training;
 - (e) €100 000 for quality control;
 - (f) €60 000 for participation in Joint Committee and other international meetings.
2. The above amounts are given as a guide and the Government of the Republic of Mozambique, represented by the Ministry of Fisheries and the Ministry of Planning and Finance, may amend them after informing the European Commission in advance.
3. The measures and the annual amounts allocated thereto shall be decided on by the Ministry of Fisheries, which shall inform the Commission thereof.
4. The annual amounts referred to in paragraph 1, with the exception of those in points (d) and (f), shall be made available to the appropriate Mozambican authorities on the date of entry into force of the Protocol for the first year and on the anniversary date of the Protocol for the following years.
5. These amounts shall be paid, on the basis of the annual programme for their use, into foreign currency account No....., which shall be held in the name of the Ministry of Planning and Finance with the Bank of Mozambique, the equivalent exchange value being transferred to bank account No, held in the name of the Fundo de Fomento Pesqueiro. The amounts referred to at (d) and (f) shall be paid as and when the Ministry of Fisheries requests them from the European Commission for the purpose of covering the projected measures.

Article 4

The Ministry of Fisheries shall transmit to the Delegation of the European Commission in Mozambique, no later than three months after the anniversary date of the Protocol, a draft detailed annual report on the implementation of the measures referred to in Article 3 and the results achieved. The report shall be examined and adopted by the two Parties within the Joint Committee.

The European Commission reserves the right to request the Ministry of Fisheries for any additional information on the results of the measures carried out.

Following a consultation between the Parties within the Joint Committee, the European Commission may review the payments on the basis of the actual implementation of the

corresponding measures. In this case, Mozambique may also review the fishing opportunities granted under this Protocol.

Article 5

Should the Community fail to make the payment provided for in Article 3, the Republic of Mozambique may suspend the application of this Protocol.

Article 6

This Protocol shall enter into force on 1 January 2004, after the two Parties have given notification that their respective approval procedures have been completed.

ANNEX
CONDITIONS GOVERNING FISHING ACTIVITIES IN MOZAMBICAN WATERS BY
COMMUNITY VESSELS

Any Community vessel authorised to fish in Mozambican waters under this Agreement shall be subject to the Mozambican legislation in force. In addition, the following rules and procedures shall apply:

1. FORMALITIES TO BE FOLLOWED IN APPLYING FOR AND ISSUING LICENCES FOR VESSELS FISHING FOR TUNA AND RELATED SPECIES AND FREEZER BOTTOM TRAWLERS

The procedure to be followed in applying for and issuing licences authorising Community vessels to fish in Mozambican waters shall be as follows:

- (a) For each vessel, the European Commission, acting via its representative in Mozambique and through the agency of its delegation in that country, shall submit to the Mozambican authorities a licence application drawn up by the vessel owner wishing to carry on fishing activities under this Agreement; the application shall be submitted no later than twenty-five days before the start of the validity period mentioned therein. Applications shall be made using the forms provided for this purpose by Mozambique, specimens of which are given in Appendix 1 for tuna seiners and longliners, and in Appendices 1 and 2 for freezer bottom trawlers. They shall be accompanied by proof of payment of the advance payable by the vessel owner.
- (b) Licences shall be issued to a specific vessel owner for a specific vessel and shall not be transferable.

However, at the request of the European Commission, a vessel's licence may, in a case of force majeure, be replaced by a licence for another vessel with characteristics similar to those of the first vessel. Through the Commission Delegation in Mozambique, the owner of the first vessel shall first return the cancelled licence to the Ministry of Fisheries.

The new licence shall indicate:

- the date of issue and the validity period;
- the fact that it cancels and replaces the licence of the previous vessel.

In such cases, no new advance shall be due.

- (c) Licences shall be sent by the Mozambican authorities to the European Commission Delegation in Mozambique.

2. PROVISIONS APPLICABLE TO TUNA SEINERS AND SURFACE LONGLINERS

Owners of tuna seiners shall be represented by an agent in Mozambique.

Fishing licences shall be valid for a period of one year, from 1 January to 31 December of each year. They shall be renewed at the request of the vessel owner, who shall submit a

fishing licence application form (Appendix 1) at least thirty days before the expiry of the licence.

Licences shall be kept on board at all times. Before the actual licence is received, a copy may be obtained by fax and shall be kept on board.

Fees shall be fixed at €25 per tonne of tuna or related species fished in waters over which Mozambique has jurisdiction. If a Community fishing vessel exceeds the maximum catch laid down for each vessel, a duty of €25 per tonne shall be payable.

Licences shall be issued subject to the payment to the Fundo de Fomento pesqueiro of an annual advance of €3 000 per tuna seiner and €1 500 per surface longliner, which corresponds to the fees payable for catches of 120 tonnes and 60 tonnes respectively of tuna and related species in Mozambique's EEZ.

The Mozambican authorities shall communicate, before the entry into force of the Agreement, all information concerning the bank accounts to be used for the payment of the fees.

3. DECLARATION OF CATCHES AND STATEMENT OF FEES PAYABLE IN RESPECT OF TUNA AND RELATED SPECIES

Tuna fishing vessels authorised to fish in Mozambique's fishing zone under the Agreement shall send information on their catches to the Ministry of Fisheries and a copy to the European Commission Delegation in Mozambique, in accordance with the following arrangements:

- skippers of vessels fishing for tuna and related species shall fill in a form (declaration of catches), a specimen of which is given in Appendix 3, for each fisheries period in Mozambique's fishing zone;
- this form shall be sent to the Ministry of Fisheries no later than forty-five days after the fishing activities in Mozambique's fishing zone have ended; it shall be completed legibly and signed by the skipper of the vessel;
- forms shall be filled in for all vessels with a licence, even if they have not engaged in any fishing activities.

In the event of a failure to comply with these provisions, the Ministry of Fisheries shall reserve the right to suspend the licence of the offending vessel until the requisite formalities have been carried out. Where this occurs, the European Commission Delegation in Mozambique shall be informed immediately.

The final statement of the fees due for the fishing year shall be drawn up at the end of each calendar year by the Commission of the European Communities on the basis of catch declarations made by the vessel owners for each vessel and confirmed by scientific institutions empowered to verify catch data, such as the *Institut de Recherche pour le Développement* (IRD), the *Instituto Español de Oceanografía* (IEO), the *Instituto Português de Investigação Marítima* (IPIMAR) and the *Instituto Nacional de Investigação Pesqueira* (IIP). The statement shall be forwarded to the Ministry of Fisheries and to the vessel owners at the same time.

Where appropriate, vessel owners shall make any additional payments to the Ministry of Fisheries no later than thirty days following notification of the final statement. However, where the sum due as set out in the final statement is less than the advance, the vessel owner shall not be reimbursed the difference.

4. PROVISIONS APPLICABLE TO FREEZER BOTTOM TRAWLERS

Owners of freezer bottom trawlers shall be represented by an agent in Mozambique.

Fishing licences shall be valid for a period of one year, from 1 January to 31 December. They shall be renewed at the request of the vessel owner, who shall submit a licence application form at least thirty days before the expiry of the licence.

Licences shall be kept on board at all times.

Fishing licence fees shall be fixed at €600 per tonne of the quota.

Licences shall be issued subject to the advance payment to the Ministry of Fisheries of a fee of €600 per tonne of the quota.

Mozambican legislation shall govern health inspection matters. For this purpose, Community vessel owners shall fill in the form attached hereto (Appendix 2) and shall make a written application for an international transit document.

The health inspection fees (health approval and international transit health certificate) shall be fixed at €1 550 per vessel per year.

The health licence and health certificate shall be issued following the advance payment of the above-mentioned fees to the Ministry of Fisheries.

The Ministry of Fisheries shall communicate all information concerning the bank accounts to be used for the payment of the fees.

5. DECLARATION OF CATCHES BY FREEZER BOTTOM TRAWLERS

Trawlers authorised to fish in Mozambique's EEZ under this Agreement shall send information to the Ministry of Fisheries, via the European Commission Delegation in Mozambique, on the relevant catches and fishing effort. The form to be used for this purpose is set out in Appendices 4 and 5. The declarations in Appendix 4 shall cover ten-day periods and shall be transmitted on the eleventh, twenty-first and last days of each month. The declarations in Appendix 5 shall be transmitted monthly.

6. FISHERIES MONITORING, HEALTH INSPECTIONS AND SAMPLING OPERATIONS

6.1 Community vessels fishing in Mozambique's EEZ shall admit on board fisheries inspectors, generally known as observers in Community practice, who shall be empowered in the context of their duties to:

- inspect vessels both at sea and in ports,

- check fishing licences, logs, catches on board, fishing gear,
- verify the position of vessels during fisheries operations,
- order any vessel to stop and carry out the manoeuvres required for inspection purposes,
- order vessels to enter the nearest Mozambican port where a serious breach of the rules governing fishing activities is suspected.

6.2 Freezer bottom trawlers shall be subject to the health provisions laid down by the Mozambican legislation in force. They shall admit on board health inspectors empowered to:

- inspect vessels both at sea and in harbours,
- check the vessels' health certificates and general sanitary conditions,
- check crews' medical certificates,
- check the hygiene conditions, and the state of health of the fish and the conditions in which it is stored.

6.3 Community vessels shall admit on board scientific staff, without powers of inspection, to be responsible for gathering data which will make it possible to monitor the state of exploitation of Mozambican fisheries resources, as well as environmental data. Such staff shall be empowered in particular to:

- carry out biological sampling operations and, in particular, measure and weigh the species caught,
- gather oceanographic data (air and water temperatures, salinity, wind, currents, etc.),
- gather fish samples for laboratory analyses.

6.4 Any Community vessel which has taken inspectors or scientific sampling staff on board shall be obliged to provide them with meals, accommodation and medical assistance of a standard at least equivalent to those enjoyed by the vessel's officers.

Where an inspector or member of the scientific sampling staff is put ashore at a place other than the port of embarkation, the vessel owner shall bear the cost of the return journey to the port of embarkation.

If an inspector or member of the scientific sampling staff fails to turn up at the place and time arranged, or within the next twelve hours, the vessel owner shall be released from the obligation to take that person on board.

6.5 The presence on board of the staff referred to above shall be strictly limited to the time deemed necessary by the Mozambican authorities to carry out their respective tasks.

7. SATELLITE MONITORING

Community vessels fishing under the Agreement shall be subjected to satellite monitoring (VMS) in accordance with the fisheries rules laid down by Mozambican legislation and with Community legislation, and on the basis of the arrangements to be defined in a protocol agreed between the Parties.

Where an infringement is suspected, the Mozambican authorities may request the European Commission for information on the records relating to the satellite monitoring of Community vessels fishing in Mozambique's EEZ.

8. RADIO COMMUNICATIONS

Where the skipper intends to take his vessel into Mozambique's fishing zone, he shall give notification thereof and transmit data relating to the catches on board at least sixteen hours in advance, either via the Maputo radio station, or by telex or fax. When he gives notification that he intends to leave the area, he shall also declare the volume of the catches taken during the time spent in Mozambique's fishing zone.

The radio frequency and the telex and fax numbers to be used shall be indicated on the fishing licence.

9. FISHING ZONES

For tuna fishing vessels:

between parallels 10° 30' S and 26° 30' S, beyond twelve miles from the coast.

For trawlers:

between parallels 10° 30' S and 26° 30' S, beyond twelve miles from the coast and at depths of more than 150 metres.

10. TAKING ON CREWS

Freezer bottom trawlers authorised to fish in Mozambican waters under the Fisheries Agreement shall be obliged to take on a sufficient number of Mozambican seamen to make up half of their non-officer crew.

Such seamen's wages shall be paid by the vessel owners and shall include contributions to the social security schemes applicable to the seamen: life insurance, accident insurance, health insurance and welfare benefits.

11. USE OF PORT FACILITIES

The conditions governing the use of port facilities shall be established by the Mozambican port authorities.

12. TRANSHIPMENT

Any transshipment involving a freezer bottom trawler shall be notified to the Mozambican fisheries authorities two business days in advance and shall be carried out in the ports of Beira or Maputo in the presence of the Mozambican fisheries and customs authorities.

Any freezer bottom trawler wishing to leave Mozambique's EEZ with its catches shall undergo a fisheries inspection, the certification procedure required for the transit of the goods and a customs check in the ports of Beira or Maputo, which shall be requested two business days in advance.

The transshipment, fisheries inspection or customs check in the ports of Beira or Maputo shall not affect the Community origin of the catches concerned.

13. SUPPLY OF SERVICES

Community vessel owners operating in Mozambique's EEZ shall be obliged to give preference to Mozambican services (dockers, handling, refuelling, consignment, etc.).

14. PROCEDURE IN THE EVENT OF BOARDING

The Mozambican authorities shall inform the European Commission Delegation in Maputo in writing, within two business days at the latest, of the boarding within Mozambique's fishing zone of any Community fishing vessel operating under the Fisheries Agreement, specifying the circumstances of and the reasons for the boarding. The European Commission Delegation shall also be kept informed of developments in the proceedings initiated and of any administrative penalties decided on.

15. INFRINGEMENTS

Any infringement of Mozambican legislation or of this Protocol by a Community vessel shall be notified to the European Commission Delegation in Maputo, without prejudice to the sanctions applicable under the legislation concerned.

APPENDIX 1

REPUBLIC OF MOZAMBIQUE

MINISTRY OF AGRICULTURE AND FISHERIES

NATIONAL FISHERIES DIRECTORATE

FISHING LICENCE APPLICATION

TO BE COMPLETED BY THE APPLICANT

NAME OF ENTERPRISE _____

ADDRESS _____

P.O. BOX _____ TELEPHONE _____ FAX _____

NAME⁽¹⁾ _____

IDENTITY CARD No _____ ISSUED AT (PLACE) _____

VALID UNTIL ____/____/____ RESIDENT AT _____

REQUESTS THE ISSUE OF A FISHING LICENCE⁽²⁾

TO OPERATE IN THE AREA OF _____

BASED IN THE PORT OF _____ PROVINCE OF _____

USING THE FOLLOWING FISHING GEAR: _____

FOR THE PURPOSE OF CATCHING _____

DETAILS OF THE VESSEL⁽³⁾⁽⁴⁾

1. NAME _____ FLAG _____ REGISTRATION No _____

2. PORT OF REGISTRATION _____ YEAR OF CONSTRUCTION ____ SHIPYARD/COUNTRY _____

3. TYPE OF HULL⁽⁵⁾ _____ COLOUR OF SIDES _____ COLOUR OF SUPERSTRUCTURE _____

4. dimensions (in metres): TOTAL LENGTH ____ BREADTH ____ DEPTH ____ GROSS TONNAGE ____ TONNES

5. ELECTRONIC EQUIPMENT⁽⁶⁾: HF RADIO ____ VHF RADIO ____ TRANSDUCER ____ SONAR ____ SATELLITE NAVIGATOR ____ GYROSCOPIC COMPASS ____ RADAR ____

6. CALL SIGN _____

7. MAIN ENGINE: MAKE _____ POWER _____ h.p.

8. FISHING GEAR: NUMBER OF WINCHES _____ CAPACITY _____ TONNES

OUTRIGGER TRAWL⁽⁶⁾ _____ STERN TRAWL⁽⁶⁾ _____ NUMBER OF GEARS _____

9. PRESERVATION OF THE FISH⁽⁶⁾⁽⁷⁾

FINISHED PRODUCTS: _____

PREPARATION WORK ROOM: Y/N

AIR BLAST FREEZING: Y/N CAPACITY (tonnes/day) _____ TEMP. (° C) _____

PLATE FREEZING: Y/N CAPACITY (tonnes/day) _____ TEMP. (° C) _____

IN COLD CHAMBER: Y/N OF _____ TEMP. (° C) _____

COLD STORAGE: HOLD 1 - CAPACITY (tonnes) TEMP. (° C) _____

HOLD 2 - CAPACITY (tonnes) TEMP. (° C) _____

HOLD 3 - CAPACITY (tonnes) TEMP. (° C) _____

CHILLING: ICE: Y/N REFRIGERATED CONTAINERS Y/N CAPACITY (tonnes) _____

INSULATED HOLD Y/N CAPACITY (tonnes) _____

REFRIGERATED HOLD Y/N CAPACITY (tonnes) _____ TEMP. (° C) _____

CHILLED SEA WATER: Y/N CAPACITY (tonnes) _____ TEMP. (° C) _____

FACILITIES FOR PRESERVING LIVE SPECIES: Y/N SPECIFY _____

DRINKING WATER: _____ m³ DESALINATORS: Y/N SANITARY FACILITIES: Y/N NUMBER: _____

AUXILIARY PROCESSING EQUIPMENT: GRADERS: Y/N SCALES: Y/N

GRINDERS: Y/N FISH WASHERS: Y/N FISH COOKERS: Y/N

OTHER _____

APPLICANT'S SIGNATURE

TO BE COMPLETED BY THE BODY ISSUING THE FISHING LICENCE

ISSUE OF THE FISHING LICENCE AUTHORISED ON ____/____/____

NUMBER OF FISHING LICENCE ISSUED _____ VALID UNTIL _____

SPECIAL CONDITIONS _____

SIGNATURE

NOTES

- (1) Name of enterprise's representative (manager, etc.)
- (2) Indicate the type of fishing: industrial, semi-industrial, related fisheries activities.
- (3) Enclose three colour negatives showing one of the sides of the ship (the markings must be legible).
- (4) As indicated in the title deeds.
- (5) Indicate the material: steel, wood or glass fibre.
- (6) Mark the appropriate answers with a cross.
- (7) Attach a processing flow diagram.

APPENDIX 2

REPUBLIC OF MOZAMBIQUE

MINISTRY OF FISHERIES

FISHERIES INSPECTION DEPARTMENT

application for HEALTH APPROVAL for a

_____ **VESSEL (1)**

Dear Sir, _____

I, the undersigned (owner/manager), _____ identity card No

issued at _____ on ____/____/____, wish to apply for health approval for the vessel described below and certify that the following information is correct.

NAME OF ENTERPRISE _____ REGISTRATION No AT MF _____

Address: _____ P.O. Box _____

Telephone _____ Fax: _____ E-mail: _____

VESSEL NAME: _____ Vessel registration No at MF: _____.

The processing activity for which the application is made relates to FISHERIES PRODUCTS in the following CATEGORIES (2): _____

INTENDED FOR MARKET(S) (3): _____

REGISTRATION No OF APPLICATION: _____ / _____

Representative of the enterprise, _____ Received by: _____

_____/____/____ SPAP (Serviço Provincial de Administração Pesqueira): ____/____/____

NB: the documents to be enclosed with the application are indicated overleaf.

¹Indicate the type of vessel:

- fishing vessel,
- vessel engaged in related activities,
- factory vessel (processing and packaging the product),
- freezer vessel or factory vessel processing on the spot (RIGQ [Regulation on the inspection and quality assurance of fisheries products], Article 40, paragraph 2).

²Indicate the categories of products targeted:

- CATEGORY I: live, fresh or frozen bivalve molluscs,
- CATEGORY II: pasteurised, cooked or precooked, hot-smoked or breaded fisheries products, including products which have undergone acidification, with or without freezing, ready to eat without further cooking,
- CATEGORY III: canned products or products which are sterilised before being sold in hermetically-sealed containers,
- CATEGORY IV: salted and dried fisheries products,
- CATEGORY V: frozen products,
- CATEGORY VI: live crustaceans and fresh fish.

³Indicate the market for which the products are destined:

- domestic market,
- European Union
- other countries.

CONDITIONS GOVERNING THE GRANT OF HEALTH APPROVAL FOR A VESSEL

The grant of health approval for the handling, processing, storage and transport of fisheries products is the responsibility of the Ministry of Fisheries and entails the following procedures:

1. This application form for health approval, which is addressed to the Minister for Fisheries, must be lodged with the provincial fisheries services of the province where the vessel's base port is located. It must indicate the full identity of the applicant and the overall aim of the project.
2. The form must also be accompanied by the following documents and information:
 - 2.1 For fishing vessels or vessels carrying out related activities:
 - medical certificates for all crew members and a copy of their stool and urine analyses, as well as the results of the screening tests for tuberculosis, salmonella, cholera vibrio or any other test required by the competent Fisheries Inspectorate authority.....
 - fumigation certificate (issued by an approved body).....
 - indication on the vessel plan of the distribution of rat poison, the type of product used and the frequency of applications
 - description of good manufacturing practices (see details in enclosed form Fr 16/IP)...
 - hygiene rules applicable to facilities, equipment and persons (see details in enclosed form Fr 17/IP)
 - 2.2 In the case of freezer vessels and factory vessels, the following additional documents and information should be enclosed:
 - flow diagram
 - vessel plan
 - flow diagram on vessel plan.....
 - description of good manufacturing practices (see details in enclosed form Fr 16/IP)...
 - quality control and assurance system (see details in form Fr 16/IP).....
 - type of packaging and labelling to be used
 - production code
 - number of staff members, with particulars of their training and work experience
 - description of waste disposal system
 - description of the system for the supply of drinking water, water rendered fit for drinking or clean sea water, with particulars of storage tanks, treatment systems and estimated consumption

2.3 In the case of freezer vessels or factory vessels carrying out processing on the spot, the following should also be enclosed:

- description of the waste water elimination system
- description of the arrangements for controlling staff access on board.....

NB:

In accordance with Article 41, paragraph 5 of the RIGQ (Regulation on the inspection and quality assurance of fisheries products), the period required for the grant of health approval is thirty days.

Ensure that applications are complete, since the time required to return incomplete applications is not included in the period mentioned.

When you request an inspection, ensure that the vessel is ready to sail, is clean and its papers are in order. The inspection should preferably be requested 7 (seven) business days before the date on which you wish to receive the health approval.

Other vessel inspections are scheduled throughout the year under the regular fisheries inspection programme.

REPUBLIC OF MOZAMBIQUE

QUALITY

FR: 16/IP

MINISTRY OF FISHERIES

CONTROL SYSTEM

2002 VERSION

FISHERIES INSPECTION
DEPARTMENT

(GUIDE)

Approved by:

HACCP

Hazard elimination system enabling risks to be reduced through verification/monitoring/self-monitoring, acceptability limits and corrective measures. The corresponding procedures must be described in writing, specifying the following:

HACCP procedure drawn up by: _____ **Academic training:** _____

Number of years' experience in the food industry: _____ **Actual member of staff of the enterprise (yes/no):** _____

Any enterprise wishing to export fisheries products must have an HACCP quality control system consisting in self-monitoring by product type and comprising the following main elements:

- (1) organisation chart of the production unit, with description of the responsibilities involved;
- (2) identification and description of products:
 - (a) composition (type and chemical composition), weight (and tolerances applicable), classification system (number and size or weight);
 - (b) preservation method (fresh, frozen, salted, etc.);
 - (c) processing method (description of good manufacturing practices);
 - (d) packaging, marking or labelling system, classification (attach three copies and copies of the stamps or stickers used);
 - (e) conditions in which the products are stored (raw materials and products) and distributed;
 - (f) shelf-life;
 - (g) instructions for use (preparation method);
 - (h) preservation method to be used by the consumer;
 - (i) checks to assess whether the water is fit for drinking.
- (3) Identification of the destination of the product (target group, destination market, wording on label).
- (4) Production flow diagram and outline of flows on vessel plan.
- (5) Identification of all potential hazards (microbiological, physical and chemical) and the probability of risks at each processing stage (processing flow diagram). Development of all the preventive measures liable to prevent or reduce the effects of the hazards identified.
- (6) Identification of critical control points (CCPs) and critical points (CPs).

- (7) Establishment of critical limits (e.g. time, levels, °C, etc.) for each CCP.
- (8) Setting up of a monitoring system for each CCP (what, where, when, who, how).
- (9) Establishment of corrective measures for cases where the hazard could not be avoided.
- (10) Annual calibration of instruments (thermometers, scales, etc.) by an approved enterprise, the corresponding documentary evidence being filed so that it may be presented to the Fisheries Inspectorate for checking. The production unit must have its own 1 kg and 100 g standard weights so that it can monitor its scales and records. It must also have a reference thermometer.
- (11) Establishment of verification procedures (responsibilities, frequency, forms, acceptability criteria).
- (12) Drawing up of records and documentation (systems for recording and checking the efficiency of PH, GMPs and HACCP using simple forms). For example, the temperature in cold chambers and stores must be checked by means of automatic thermographs. Accordingly:

- establishments must have a thermometer for use throughout the processing operation. They must record the temperature and sensory quality of the raw material of all lots, particularly in the case of small-scale fisheries products. They must also record the temperature of the product during processing at least once a week, the task always being performed on the same day by the same person, and at the different stages (e.g. washing, grading, weighing after freezing). Establishments must also record the temperature in the reception, processing and packaging rooms halfway through the working day. This task must always be carried out at the same time and preferably by the same person. Finally, the freezer temperature and the temperature of the cold stores must be recorded daily;

- vessels must have a thermometer for the purpose of monitoring and recording the temperature of the holds at the time of unloading. They must also record the temperature of the holds once a week and that of the freezer chambers once a day throughout the fishing trip. The reading must be taken at the hottest time of the day and always by the same person.

NB: application of the HACCP system is based on the hygiene rules.

"TRADITIONAL METHOD"

- Paragraphs (1), (2), (3) and (4) are applicable.
- Method of monitoring the quality of the raw material and finished product (e.g. temperature, sensory quality, chemical and microbiological quality).

GOOD MANUFACTURING PRACTICES

- Type and quality of the raw material selected for processing. Quality control criteria applied, for example, to the RAW MATERIAL, the PRODUCT UNDERGOING PROCESSING and the FINISHED PRODUCT.

In the case of establishments

- Where the raw material comes mainly from small-scale or semi-industrial fishing and is preserved on ice, it must be analysed:
 - every day by the establishment's quality controller through sensory testing;

○ and at least once every four months by means of a physico-chemical and microbiological laboratory analysis of samples.

NB: prior to the laboratory analysis, the Fisheries Inspectorate should be called in to supervise the sampling (approximately five samples of raw material) and ensure that the samples are taken in accordance with the rules.

- Products undergoing processing and finished products must also be analysed every four months (on the basis of five samples of each).

In the case of vessels

- The quality controllers on board must take at least five samples of each type of product (raw material, product undergoing processing, finished product) every six months. The samples, weighing approximately 1000 g, must be placed in clean plastic bags. In the event of any doubts, the Fisheries Inspectorate should be contacted.

Other

- All products from the production units must also be tested for heavy metals (sampling once a year).
 - Where tuna, shark and related fish species are processed, sampling must be carried out at least twice a year to test for heavy metals and histamine.
 - Attention should be paid to the method of classifying samples: on the outside of the plastic bags used for collecting the samples, write the date and the vessel's name in permanent ink and mention whether the sample is a raw material, a product undergoing processing or a finished product.
- Processing method (full description of the production operation from raw material to finished product, including the infrastructure, equipment, materials, etc.). For example, in the case of hygiene/sanitary conditions, describe the INFRASTRUCTURE, focussing on the area around the work rooms, the state of the sanitary facilities, the volume of the drinking water and the supply conditions, monitoring of the sewage and drainage systems, and the other points provided for in the RIGQ for vessels (Articles 39, 40 and 41), land-based establishments (Articles 28, 29, 30, 31 and 38), fishing ports and refrigerated warehouses (Articles 38, 42 and 43) and means of transport (Article 44).
- Ingredients used (name, concentration, stage at which they are used).

NB: APPLICATION OF STATISTICAL METHODS

For the purpose of analysing the results of the different data on the self-monitoring system, statistical methods should be used (graphs, histograms, averages, standard deviations, etc.).

LIST OF DATA TO BE SUPPLIED

The hygiene rules for vessels and land-based establishments which process or handle fisheries products must be established in writing and include the elements described below.

Hygiene rules drawn up by (name): _____ Academic training: _____

Number of years' experience in the food industry: _____ Actual member of staff of the enterprise (yes/no):

PLANT HYGIENE

- Areas to be cleaned (reception rooms, processing work rooms, sanitary facilities, canteen, kitchen, dormitories, locked storage areas for cleaning and disinfecting materials, storage areas for packaging materials, and cold chambers, etc.).
- Equipment and utensils which must remain clean.
- Method and frequency of cleaning and disinfection (how? who? how frequently? what products and instruments are to be used?).
- Chemicals (e.g.: name of detergents and disinfectants, sodium metabisulphite, etc.), concentrations used, Ministry of Health approval.
- Specific reference measures for waste management and the systematic extermination of rodents, insects and other vermin, fumigation system (to be applied every 4 to 6 months, the relevant documentary evidence being kept), arrangements to prevent domestic animals from gaining access.
- Indication on the production unit plan of the distribution of rat poison, the type of product used and the frequency of application.
- Water supply:
 - origin (public supply, desalinator, sea),
 - tanks (quantity stored and washing system to be checked every six months in the case of land-based establishments and at the start of the fishing trip in the case of vessels),
 - water pressure (from gravity or pumping),
 - chlorination (levels used: for processing, 2 ppm; for hand-washing, 2 to 5 ppm, for washing equipment and facilities, 50 to 150 ppm; establishments must have apparatus to enable them to measure and control chlorine levels daily),

- laboratory checks on water quality: to be carried out every two months in the case of establishments and every four fishing trips in the case of industrial vessels, on the basis of samples taken from numbered taps indicated on the plan,
- quantities allowed for processing operations, sanitary purposes, etc. in relation to the number of workers and the number of days the fishing trip is to last (in the case of establishments, approximately 5 000 litres plus 50 litres per worker; in the case of vessels, approximately 250 litres per day per 10 workers for one-day trips and approximately 1 000 litres per day per 20 workers for trips lasting more than one day).
- Supply/production of ice (quantity, origin of the water, type of ice and arrangements for checking whether the ice is of drinking-water quality through laboratory testing every 4 months in the case of establishments and every 6 months in the case of vessels).

PERSONAL HYGIENE

- General state of health (filing of medical certificates setting out the results of analyses to detect parasites in stools, tuberculosis tests based on sputum analyses or X-rays, urine analyses, tests for salmonella, cholera vibrio and other analyses which may be required, surveillance of wounds and recording of illnesses or symptoms such as diarrhoea, with details of the measures taken).

Clothing (e.g: overalls, boots, gloves, hood, boiler suit); information on the number of workers, the arrangements for washing clothes and, for example, sheets used on board, the number of times items are handed in each year, and the procedure for exchanging personal clothing and shoes for working clothes. The clothing described below is recommended.

In establishments

Set of clothing No 1 - for women, a plain dress or dungarees and, for men, dungarees (to be put on after showering in place of the clothes worn since leaving home), easy-to-wash moccasins where staff have to walk from the cloakrooms to the factory entrance.

Set of clothing No 2 - for women and men, light-coloured overalls (to be worn over set of clothing No 2 on entering clean areas), plastic boots and socks (the main purpose of the socks is to prevent both lesions on the feet as a result of humidity and perspiration odours).

Set of clothing No 3 - possibly plastic fibre aprons in order to keep the overalls, hat, etc. clean.

On board vessels

Clothing worn on board must be plainer. It may consist of trousers and a seamless shirt made of a hard-wearing fabric, worn with moccasins.

- Body hygiene (e.g.: quantity and quality of the water on board, supply of soap and bath towels), rules on bathing and on areas for disinfecting and drying hands.
- Rules on personal appearance (procedures for monitoring body hygiene and the cleanliness of clothing) and on checking the cleanliness of nails, hair, beard (monitoring procedures to be applied every two weeks), cuts and/or lesions and illnesses (procedures in the event of illness), etc.
- Rules on conduct at work (e.g.: smoking, spitting, chewing or eating, sneezing or coughing), document setting out the rules, notices.
- Rules on wearing accessories (jewellery, rings, watches, etc.).

- Presentation of the sanitary-inspection training programme for the year (documentation and implementing plan).

GENERAL

- Responsibility for specific tasks (name or position of the person responsible for cleaning and disinfecting, as well as for supervision).
- Arrangements for monitoring application of the hygiene rules (who? when? how?), monitoring procedures and acceptability thresholds. Mention may be made, for example, of the results of the swab contamination test (carried out by official laboratories),

which requires the presence of the Fisheries Inspectorate and must be carried out:

- every six months in land-based establishments;
- at least once a year on board vessels, on their arrival.

If any contamination is detected, the application of PH, GMPs and HACCP must be reviewed.

Samples are to be collected as follows:

1. In establishments

- During the following phases: (a) processing; (b) after washing with detergents (application of detergent followed by rinsing with water); and (c) after using disinfectant (application of the disinfectant solution, washing and drying of the area or equipment concerned), and
- at the following points: two workers' hands, two places in the sanitary facilities, one on the work table, one on the scales, one on a knife used for work purposes and one on a plastic container.

2. On board vessels

- During the following phases: (a) on the vessel's arrival, prior to cleaning; (b) after washing with detergents (application of detergent followed by rinsing with water); and (c) after using disinfectant (application of the disinfectant solution, washing and drying of the area or equipment concerned), and
- at the following points: one place in the sanitary facilities, one on a work table, one on the scales, one on a knife used for work purposes and one on a plastic container.

In order to monitor the atmosphere, the open Petri box technique may also be used for a period of 30 minutes.

Appendix 4

MINISTRY OF FISHERIES	CATCHES AND FISHING EFFORT OF INDUSTRIAL AND SEMI-INDUSTRIAL VESSELS	YEAR: MONTH:
NATIONAL DIRECTORATE OF THE FISHERIES AUTHORITY		4 MONTHS: 1st 2nd 3rd

ENTERPRISE:	CODE:
-------------	-------------

VESSEL		PRAWN (CAMARÃO) (KG)		DEEP- WATER SHRIMP (GAMBA) (KG)		AF Prawn (Camarão) (kg)		AF Deep-water shrimp (Gamba) (kg)		FISH (KG)		DUBLIN BAY PRAWN (KG)		SQUID AND CUTTLEFIS H (KG)		CRAB (KG)		CRAWFISH (KG)		OCTOPUS (KG)		OTHER (KG)	
NAME	CODE	CT	FD	CT	FD	CT	FD	CT	FD	CT	FD	CT	FD	CT	FD	CT	FD	CT	FD	CT	FD	CT	FD

Signature and stamp of enterprise	Date/...../..... Day Month Year
-----------------------------------	--

LEGEND: AF = accompanying fauna CT = catches taken FD = fishing days

LEGISLATIVE FINANCIAL STATEMENT

Policy area(s):	External aspects of fisheries policy
Activit(y/ies):	International Fisheries Agreements

TITLE OF ACTION: NEW FISHERIES AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND THE REPUBLIC OF MOZAMBIQUE

1. BUDGET LINE(S) + HEADING(S)

B78000: International Fisheries Agreements

2. OVERALL FIGURES

2.1 Total allocation for action (Part B):

€4 090 000 to €5 290 000⁴ per year in commitment appropriations

2.2 Period of application:

The Agreement has been concluded for an initial period of three years, automatically renewable until terminated by one of the two parties.

The Protocol, which contains provisions concerning the fishing opportunities and financial compensation, has been concluded for a period of three years from the date of its entry into force (1.1.2004 to 31.12.2006).

2.3 Overall multiannual estimate of expenditure:

minimum: €12 428 000

maximum: €16 028 000

⁴ The financial compensation for fishing for tuna and related species is €600 000 per year and covers a volume of 8 000 tonnes of tuna and related species. If the volume of annual catches exceeds that quantity, the amount of financial compensation is increased proportionately at the rate of €75 per additional tonne but may not exceed €1 800 000 per year for fishing for tuna and related species.

(a) Schedule of commitment appropriations/payment appropriations (financial intervention) (see point 6.1.1)

in € million (to three decimal places)

	Year n	n + 1	n + 2	n + 3	n + 4	n + 5 and subsequent years	Total
Commitments min	4.090	4.090	4.090	---	---	---	12.270
max	5.290	5.290	5.290				15.870
Payments min	4.090	4.090	4.090	---	---	---	12.270
max	5.290	5.290	5.290				15.870

(b) Technical and administrative assistance and support expenditure (see point 6.1.2)

Commitments	---	---	---				---
Payments	---	---	---				---

Subtotal a+b								
Commitments min		4.090	4.090	4.090	---	---	---	12.270
max		5.290	5.290	5.290				15.870
Payments min		4.090	4.090	4.090	---	---	---	12.270
max		5.290	5.290	5.290				15.870

(c) Overall financial impact of human resources and other administrative expenditure (see points 7.2 and 7.3)

Commitments/Payments	€0.052 m	€0.053 m	€0.053 m				€0.158m
----------------------	----------	----------	----------	--	--	--	---------

TOTAL a+b+c		(€m)						
Commitments min		4.142	4.142	4.143	---	---	---	12.428
max		5.342	5.343	5.343				16.028
Payments min			4.141	4.141	---	---	---	12.428
max			5.343	5.343				16.028

2.4 Compatibility with financial programming and financial perspective

Proposal is compatible with existing financial programming.

This proposal will entail reprogramming of the relevant heading in the financial perspective.

Proposal may require application of the provisions of the Interinstitutional Agreement.

2.5 Financial impact on revenue

Proposal has no financial implications (involves technical aspects regarding implementation of a measure)

OR

Proposal has financial impact - the effect on revenue is as follows:

Note: All details and observations relating to the method of calculating the effect on revenue should be shown in a separate annex.

€ million (to one decimal place)

		Prior to action (year n-1)	Situation following action					
Budget line	Revenue		Year n ³	n+1	n+2	n+3	n+4	N+5
	(a) <i>Revenue in absolute terms</i>							
	(b) <i>Change in revenue Δ</i>							

(Please specify each budget line involved, adding the appropriate number of rows to the table if there is an effect on more than one budget line.)

3. BUDGET CHARACTERISTICS

Type of expenditure		New	EFTA contribution	Contributions from applicant countries	Heading in financial perspective
Comp	Diff	NO	NO	NO	No 4

4. LEGAL BASIS

- Article 37 of the Treaty, in conjunction with Article 300(2) and the first subparagraph of Article 300(3).

5. DESCRIPTION AND GROUNDS

5.1 Need for Community intervention

The directives issued by the Council for the negotiation of fisheries agreements with the ACP countries stipulate that account should be taken of the Community interest in the conduct and establishment of fisheries relations with the countries concerned.

The EC also derives significant political advantage from the conclusion of such agreements, which are also very important given their geostrategic implications.

5.1.1 Objectives pursued

The previous Agreement between the European Community and Mozambique, which entered into force in 1988, was terminated in 1993 by Mozambique, which wished to negotiate a new agreement that would contribute to the development of its fishing sector.

In May 1996, the Council of Ministers instructed the Commission to negotiate a new bilateral agreement with Mozambique. The EC and Mozambican negotiators concluded the negotiations and initialled the agreement on 21 October 2002 in Maputo.

The Agreement will enter into force for a period of three years following reciprocal notification that the respective adoption procedures have been completed. It will be automatically renewable unless express notice of termination is given by one of the parties. A Protocol and a technical annex, which form an integral part of the Agreement, will enter into force on 1 January 2004. The Protocol to the Agreement, which establishes the fishing opportunities and financial compensation, was concluded for an initial period of three years.

The aim of the new Agreement is to obtain shrimp fishing opportunities (deep-water shrimp) for Community vessels, together with rights of access for freezer tuna seiners and surface longliners to the Mozambican fishing zone. For EC vessel owners, it represents the opening up of new fishing opportunities in Mozambique waters, and access to an area of strategic importance in the context of the network of Indian Ocean tuna agreements.

5.1.2 Measures taken in connection with ex ante evaluation

The resources that chiefly interested Community vessel owners were shrimp, demersal species and tuna.

Regarding shallow-water shrimp, which is exploited on a large scale by the Mozambican fleet (especially on the Sofala Bank and in the Bay of Maputo), together with demersal species, Mozambique stated categorically at the outset of the negotiations that the data available concerning the situation of stocks made it impossible to release any available surplus or to increase fishing effort. Any Community request regarding this fishery would be rejected by Mozambique.

The new Agreement focuses, therefore, on deep-water shrimp (*gamba rosa*) taken by the industrial and semi-industrial fleets at a distance of more than 12 miles from the coast and at depths of up to 800 meters, using mesh size 55 mm. According to the estimates of the Mozambique Research Institute (IIP) exploitation of deep-water shrimp is moderate, with catches for 2001 estimated at 1 500 tonnes while the potential catch is put at 3 500 tonnes. Under the new Agreement, Mozambique has granted the EU a TAC of 1 000 tonnes/year of deep-water shrimp, i.e. approximately half the estimated surplus available.

Rights of access for tuna vessels are added to the network of tuna agreements in the Indian Ocean region. The abundance of tuna in the Mozambican EEZ (Mozambique Canal) fluctuates in relation to seasonal migrations of the stock but no particular problem has been raised to date by the local authorities. In general, tuna stocks are subject to the management and conservation measures of the Indian Ocean Tuna Commission (IOTC).

The fishing effort currently targeting tuna in the Mozambican EEZ is modest and, according to recent statistics the catches, taken almost entirely by foreign vessels, fluctuate between 5 000 tonnes and 8000 tonnes annually. Under the new Agreement a reference tonnage of 8 000 tonnes/year has been established, which is well below the availabilities estimated for this fishery even if they vary appreciably in relation to the migrations of the species.

5.1.3 Measures taken following ex post evaluation

The proposed Agreement with Mozambique is the first to be concluded with that country since 1993, and consequently there is no experience of an interim or ex post evaluation of this specific Agreement.

Nevertheless, account has been taken of the historical statistical data for catches taken by the various fleets operating in the region. Mozambique draws up annual reports on the situation of its fish stocks. All of this information is included in an annual report from the Mozambique National Institute for Fisheries Research and confirmed by independent studies, like the one carried out by the *Norwegian College for Fishery Science* on behalf of NORAD in 2000. The most recent report on deep-water shrimp was published by IIP in June 2002 and contains an analysis of that fishery for the period 1994-2001.

5.2 Action envisaged and budget intervention arrangements

The Agreement initialled on 21 October 2002 provides for fishing opportunities for shrimp vessels, freezer tuna seiners and surface longliners. In the case of deep-water shrimp fishing, a quota of 1 000 tonnes of catches has been established, together with by-catches of up to 535 tonnes made up of 100 tonnes of shallow-water shrimp, 75 tonnes of cephalopods, 240 tonnes of finfish and 120 tonnes of crabs respectively. The financial compensation earmarked for this fishery is €3 490 000.

In the case of tuna fishing, provision is made for access for 35 freezer seiners and 14 surface longliners. As tuna is a highly migratory species, the real level of catches in a specific area can fluctuate very considerably from one fishing season to another. Catches taken by the Community tuna fleet in the waters of a third country cannot be known in advance therefore. Consequently, as in the case of all other tuna agreements, the Community pays a fixed amount that corresponds to the anticipated weight of the catches (reference tonnage), set at 8 000 tonnes for financial compensation of €600 000. If the anticipated catches are not taken, the third country keeps the amount originally paid. If there is an overrun of the weight of the catches envisaged, an additional amount proportional to the overrun is paid by the Community⁵. However, the total annual amount which the Community will have to pay for the tuna component of the Agreement is set at a maximum of €1 800 000 per year.

The total financial compensation from the Community to Mozambique under this new Agreement is therefore €4 090 000 per year. All of this financial compensation will be used to finance measures

⁵Since the reference tonnage is normally set at an appropriate level, it is very rare for actual catches to exceed the reference tonnage at the end of a fishing season and, consequently, for the Community to have to pay this additional amount in proportion to additional catches.

targeting institutional development, marine surveillance, research, training, quality control and participation by Mozambique in meetings of the Joint Committee and other international meetings.

The financial compensation will be made available to the Mozambican authorities on the date of entry into force of the Protocol for the first year and on the anniversary date of the Protocol for the following years.

5.3 Methods of implementation

The Commission is solely responsible for implementing the Protocol and will do so through its officials posted in both Brussels and its Delegation in Mozambique.

6. FINANCIAL IMPACT

6.1 TOTAL FINANCIAL IMPACT ON PART B (OVER THE ENTIRE PROGRAMMING PERIOD)

6.1.1 Financial intervention: Commitments in € million (to three decimal places)

Breakdown	Year n	n + 1	n + 2	n + 3	n+ 4	n + 5 and subs. fin. years	Total
Financial compensation (FC)							
min	4.090	4.090	4.090	---	---	---	12.270
max	5.290	5.290	5.290				15.870
Targeted measures (part of total FC)	100%	100%	100%	---	---	---	---
TOTAL min	4.090	4.090	4.090	---	---	---	12.270
max	5.290	5.290	5.290				15.870

6.1.2. Technical and administrative assistance, support expenditure (commitment appropriations)

	Year n	n + 1	n + 2	n + 3	n + 4	n + 5 and subs. fin. years	Total
(1) Technical and administrative assistance							
(a) Technical assistance offices							
(b) Other technical and administrative assistance: - intra-muros: - extra muros: <i>of which for construction and maintenance of computerised management systems:</i>							
Subtotal 1							
(2) Support expenditure:							
(a) Studies							
(b) Meeting of experts							
(c) Information and publications							
Subtotal 2							
TOTAL							

6.2. Calculation of costs by measure envisaged in Part B (over the entire programming period)

Commitments in € million (to three decimal places)

Breakdown	Type of outputs (projects, files)	Number of outputs (total for years 1...n)	Average unit cost	Total cost (total for years 1...n)
	1	2	3	4=(2X3)
<u>Action 1</u>	Fishing opportunities in exchange for a financial contribution	Quota of 1 000 tonnes of deep-water shrimp (plus by-catches)	3.490	10.470
		Tuna fishing: reference tonnage: 8 000 tonnes/year	€75/ton	1.8 ⁶
TOTAL COST				from 12.270 to 15.870 ⁶

7. IMPACT ON STAFF AND ADMINISTRATIVE EXPENDITURE

7.1. Impact on human resources

Types of post	Staff to be assigned to management of the action using existing and/or additional resources		Total Man/years	Description of tasks deriving from the action
	Number of permanent posts	Number of temporary posts		
Officials or temporary staff	A	1	4	
	B	1	0.5	
	C	1	0.5	
Other human resources				
Total	3	0	5	

⁶ See footnote 4

7.2 Overall financial impact of human resources

Type of human resources	Amount (€)	Method of calculation*
Officials	37 791/an	(100 000/12x4)+(60 000/12x0.5)+(47 000/12x0.5)
Temporary staff		
Other human resources (specify budget line)		
Total	37 791/year	

The amounts are total expenditure for twelve months.

7.3 Other administrative expenditure deriving from the action

Budget line (number and heading)	Amount (€)	Method of calculation
Overall allocation (Title A7)		
A0701 – Missions	15 000/year	7 500 x 2
A07030 – Meetings	0	
A07031 - Compulsory committees (1)	0	
A07032 - Non-compulsory committees (1)	0	
A07040 – Conferences	0	
A0705 - Studies and consultations		
Other expenditure (specify)		
Information systems (A-5001/A-4300)		
Other expenditure - Part A (specify)		
Total	15 000/year	

The amounts are total expenditure for twelve months.

⁽¹⁾ Specify the type of committee and the group to which it belongs.

I.	Annual total (7.2 + 7.3)	€52 791
II.	Duration of action	Three years
III.	Total cost of action (I x II)	€158 373

It is impossible to quantify the impact of an agreement and its protocol on the workload of the unit in DG FISH responsible for this dossier.

Negotiating fisheries agreements is one of the unit's activities but does not in itself have a specific impact on administrative expenditure. The human resources and administrative needs will be met in any event out of the appropriations allocated to the relevant department.

If the Agreement had not been concluded (initialled), this would also have resulted in a significant workload and substantial expenditure on visits and meetings.

8. FOLLOW-UP AND EVALUATION

8.1 Monitoring system

The financial compensation (€4 090 000 per year) will be made available to Mozambique on the date of entry into force of the Protocol for the first year and on the anniversary date of the Protocol for the following years. It will be paid, on the basis of the annual programme for its use, into a foreign currency account to be specified by the Mozambican Government, which shall be held in the name of the Ministry of Planning and Finance with the Bank of Mozambique, the equivalent exchange value being transferred to a bank account, held in the name of the Fundo de Fomento Pesqueiro.

According to its statutes, the FDP must present an annual budget to the Ministry of Fisheries and also to Mozambique's Ministry of Planning and Finance, which is empowered to audit and monitor the implementation of the budget. There will be complete transparency therefore regarding the use and follow-up (traceability) of the funds paid in respect of the fisheries agreement.

Article 6 of the Agreement stipulates that where exceptional circumstances prevent fishing activities from being carried on, the European Community may suspend payment of the financial compensation.

In addition, not later than three months following the anniversary date of the Protocol a draft report on the use of the funds, together with the results achieved, must be presented to the Commission each year. This report will be examined and adopted by the two parties within the Joint Committee. The Committee is empowered to seek additional information and to review the payments concerned in the light of the actual implementation of the measures.

In order to ensure that the Protocol is properly applied, the Community and Mozambique may arrange meetings, where necessary, to discuss any matter concerning the implementation of the Protocol within a Joint Committee. This Committee reassesses, where appropriate, the level of the fishing opportunities. Against that background, the Community takes account of the opinions of the Scientific, Technical and Economic Committee for Fisheries.

In addition, the use of fishing opportunities is assessed on an ongoing basis, both in terms of licences issued and of catches, including their value. The Protocol includes, as is the case in all Community fisheries agreements, provisions for the dispatch of logbooks by vessel owners to the Mozambican authorities and to the European Commission.

The Commission will be responsible for monitoring the use of the 1 000 tonnes TAC allocated to the deep-water shrimp fishing fleet. To that end, data concerning catches and the corresponding fishing effort will be provided by the vessel owners to the Mozambican authorities and the European Commission every ten days. The tuna fishery will be the subject, as is the case in

exclusively tuna agreements, of an annual statement of catches per vessel. This information will be used in the context of the ex post evaluation of the Protocol.

8.2 Arrangements and schedule for the planned evaluation

Before the Protocol is renewed in 2006, it will be evaluated in accordance with the Communication (SEC(2000) 1051) of 26 July 2000 on strengthening evaluation of Commission activities.

This evaluation must take account of direct economic indicators (catches and values of catches), impact indicators (number of jobs created and maintained, relation between the cost of the Protocol and the value of catches) and indicators of the impact on the ecosystem.

With regard to the targeted measures, see above.

9. ANTI-FRAUD MEASURES

Since the financial compensation is granted by the Community in direct exchange for the fishing opportunities offered, the third country uses it for whatever end it chooses. However, it is required to report to the Commission, as provided for in the Protocol, on the use of certain funds, which in the case of Mozambique means the whole of the financial compensation. All the measures provided for in Article 3 of the Protocol are subject to an annual report on their implementation and the results achieved, which is to be examined and adopted by the two parties within the Joint Committee. The Committee reserves the right to ask for additional information on the results achieved and to review payments in the light of the actual implementation of the measures.

The Protocol also requires Community vessel owners to complete catch statements (which must be transmitted to the Commission and the Mozambican authorities) which then serve as the basis for monitoring shrimp catches, in order to ensure compliance with the overall quota allocated to the EC, and for drawing up the final annual statement of tuna catches under the Protocol and the corresponding fees.