

AGREEMENT

in the form of an Exchange of Letters concerning the provisional application of amendments to the Protocol establishing the fishing opportunities and the compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau for the period 16 June 2001 to 15 June 2006, and in Decision 2001/179/EEC setting the terms for financial support to Guinea-Bissau in the fisheries sector

A. Letter from the Government of the Republic of Guinea-Bissau

Sir,

With reference to the Protocol initialled on 30 May 2001 establishing the fishing opportunities and the compensation for the period 16 June 2001 to 15 June 2006, the detailed rules for implementing the Council Decision of 26 February 2001 (OJ L 66, 8.3.2001) and the result of the meeting of the Joint Committee on 19 and 20 May 2003, I hereby inform you that the Government of the Republic of Guinea-Bissau is ready to apply the following amendments to the Protocol on a provisional basis, with effect from 16 June 2003, pending its entry into force in accordance with Article 9 thereof, provided that the Community is prepared to do the same.

1. From 16 June 2004, until the expiry of the Protocol, the fishing opportunities granted pursuant to Article 4 of the Agreement shall be as follows:
 - (a) freezer shrimp trawlers: 4 400 gross registered tonnes (GRT);
 - (b) freezer fin-fish and cephalopod trawlers: 4 400 gross registered tonnes (GRT);
 - (c) freezer tuna seiners: 40 vessels;
 - (d) pole-and-line tuna vessels and surface longliners: 30 vessels.
2. The two Parties have agreed to allow exchanges of fishing rights between the first two categories (freezer shrimp trawlers and freezer fin-fish and cephalopod trawlers) in the period 16 June 2003 to 15 June 2004, this flexibility being needed to ensure that the Protocol on fisheries is more efficiently used.
3. From 16 June 2004, the compensation provided for in Article 9 of the Agreement shall be EUR 7 260 000 per year.
4. The support measures in the fisheries sector shall be financed from financial resources available under the Council Decision of 26 February 2001 (EUR 3 250 000). Once the Commission has accepted the implementation report for the first instalment (ad hoc measure of 26 February 2001), it shall pay these financial resources up to a total EUR 3 250 000 by way of advance for the implementation of measures programmed jointly. Any transfers shall be decided on by agreement between the two Parties in accordance with the arrangements provided for below.
5. The support measures in the fisheries sector provided for in the Protocol on fisheries (Article 4) and in the Decision of 26 February 2001 and the related financial resources shall be reprogrammed on the basis of the following principles:
 - (a) financing of a Guinea-Bissau scientific or technical programme to improve information on fisheries resources, the monitoring of the evolution of resources in Guinea-Bissau's fishing zone and the functioning of the fisheries research laboratory, in particular as regards improving health and hygiene conditions in the fisheries sector;

- (b) institutional support for the Ministry of Fisheries including technical assistance to set up and monitor the above measures and funding of awards for study and practical training in the various scientific, technical and economic disciplines relating to fisheries. The awards may also be used in any State linked with the Community by a cooperation agreement. At the request of the Guinea-Bissau authorities, part of that sum may be used to cover the costs of participation in international meetings or training courses concerning fisheries or the organisation of seminars on fishing in Guinea-Bissau;
- (c) support for investments in the small-scale fishing sector;
- (d) fisheries surveillance (purchasing equipment, administrative costs of monitoring, technical assistance, hiring equipment, and monitoring measures in conjunction with other countries and organisations in the region and/or the European Union), including the possibility of meeting the cost of setting up a satellite monitoring system (VMS) for fishing vessels.

The technical and financial programming of these measures shall be agreed between the Government of the Republic of Guinea-Bissau and the European Commission, in annual instalments by the following dates: 16 June 2004 and 16 June 2005. The related payments shall be conditional on the presentation by the Government of the Republic of Guinea-Bissau of a detailed implementation report and its acceptance by the European Commission.

6. The Republic of Guinea-Bissau also agrees to review all agreements (bilateral and/or private agreements) other than those with UEMOA member states, with a view to:
- reducing fishing effort in segments which are over-exploited, particularly shrimp fishing,
 - guaranteeing compliance with the provisions of Article 3 of the Protocol which stipulates that the two Parties undertake to promote responsible fishing in Guinea-Bissau waters based on the principle of non-discrimination between the different fleets fishing in these waters,
 - placing a freeze on new bilateral and private agreements as regards the fishing arrangements provided for in the Agreement between the EC and the Republic of Guinea-Bissau until the Parties reach agreement.

The review of the fisheries agreements and the renegotiation thereof with a view to bringing the financial compensation into line with the Agreement with the European Community or to terminating them must be finalised by 16 June 2004.

Failure to comply with these undertakings shall automatically give the other party the right to terminate the agreement and cancel any financial transfers from the date of termination.

7. In addition, and in order to finalise the support measures provided for in the first instalment of the Decision of 26 February 2001, the Government of the Republic of Guinea-Bissau shall transfer irrevocably to a joint-signature account administered by the secretariat of state for fisheries and the European Commission delegation in Bissau, by 15 October 2003, the amounts yet to be implemented under the first instalment of the Council Decision of 26 February 2001 (EUR 1 782 655).

Future transfers relating to the support measures in the fisheries sector shall be made by the European Commission directly to this account.

8. The second paragraph of point 5.3 of the Annex to the Protocol on fisheries is hereby amended by adding the following sentence:

'If the fishing season does not exceed one month, the shipowners' contribution shall be limited to the payment of one month's salary (EUR 400).'

I should be obliged if you would confirm the Community's agreement to such provisional application.

Please accept, Sir, the assurance of my highest consideration.

For the Government of the Republic of Guinea-Bissau

B. Letter from the Community

Sir,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows:

With reference to the Protocol initialled on 30 May 2001 establishing the fishing opportunities and the compensation for the period 16 June 2001 to 15 June 2006, the detailed rules for implementing the Council Decision of 26 February 2001 (OJ L 66, 8.3.2001) and the result of the meeting of the Joint Committee on 19 and 20 May 2003, I hereby inform you that the Government of the Republic of Guinea-Bissau is ready to apply the following amendments to the Protocol on a provisional basis, with effect from 16 June 2003, pending its entry into force in accordance with Article 9 thereof, provided that the Community is prepared to do the same.

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2. The two Parties have agreed to allow exchanges of fishing rights between the first two categories (freezer shrimp trawlers and freezer fin-fish and cephalopod trawlers) in the period 16 June 2003 to 15 June 2004, this flexibility being needed to ensure that the Protocol on fisheries is more efficiently used.
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 - (a) financing of a Guinea-Bissau scientific or technical programme to improve information on fisheries resources, the monitoring of the evolution of resources in Guinea-Bissau's fishing zone and the functioning of the fisheries research laboratory, in particular as regards improving health and hygiene conditions in the fisheries sector;
 - (b) institutional support for the Ministry of Fisheries including technical assistance to set up and monitor the above measures and funding of awards for study and practical training in the various scientific, technical and economic disciplines relating to fisheries. The awards may also be used in any State linked with the Community by a cooperation agreement. At the request of the Guinea-Bissau authorities, part of that sum may be used to cover the costs of participation in international meetings or training courses concerning fisheries or the organisation of seminars on fishing in Guinea-Bissau;

- (c) support for investments in the small-scale fishing sector;
- (d) fisheries surveillance (purchasing equipment, administrative costs of monitoring, technical assistance, hiring equipment, and monitoring measures in conjunction with other countries and organisations in the region and/or the European Union), including the possibility of meeting the cost of setting up a satellite monitoring system (VMS) for fishing vessels.

The technical and financial programming of these measures shall be agreed between the Government of the Republic of Guinea-Bissau and the European Commission, in annual instalments by the following dates: 16 June 2004 and 16 June 2005. The related payments shall be conditional on the presentation by the Government of the Republic of Guinea-Bissau of a detailed implementation report and its acceptance by the European Commission.

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For the European Community
