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PROPOSAL

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
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To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
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Subject:	ANNEXES to the Proposal for a Council Decision on the conclusion, on behalf of the Union, of the Protocol on the implementation of the Fisheries Partnership Agreement between the Republic of Senegal and the European Union

Delegations will find attached document COM(2019) 473 final - ANNEX.

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Brussels, 17.10.2019
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ANNEXES 1 to 2

ANNEXES

to the

Proposal for a Council Decision

on the conclusion, on behalf of the Union, of the Protocol on the implementation of the Fisheries Partnership Agreement between the Republic of Senegal and the European Union

ANNEX I

PROTOCOL ON THE IMPLEMENTATION OF THE FISHERIES PARTNERSHIP AGREEMENT BETWEEN THE REPUBLIC OF SENEGAL AND THE EUROPEAN UNION

Article 1

Purpose

1. The purpose of this Protocol is to implement the Sustainable Fisheries Partnership Agreement between the Republic of Senegal and the European Union. The Protocol includes an annex and appendices, which form an integral part of it.

Article 2

General provisions

1. Both Parties reaffirm their commitment to promoting sustainable fishing and protecting marine biodiversity, in accordance with the principles of non-discrimination, transparency and good governance.
2. In accordance with Article 4 of the Agreement, EU vessels may engage in fishing activities in Senegal's fishing zone only if they are in possession of a fishing authorisation issued under this Protocol as set out in its Annex.

Article 3

Scope

1. The fishing opportunities granted to Union fishing vessels are hereby determined as follows:
 - for highly migratory species (listed in Annex 1 to the 1982 United Nations Convention on the Law of the Sea), with the exception of:
 - species protected by international conventions; and
 - species prohibited by the International Commission for the Conservation of Atlantic Tunas (ICCAT):
 - (a) 28 freezer tuna seiners,
 - (b) 10 pole-and-line vessels,
 - (c) 5 longliners,
 - for deep-sea demersal species:
 - (d) 2 trawlers.

This paragraph shall apply subject to Articles 8 and 10 of this Protocol.

2. The fishing opportunities described in the first subparagraph concern only the Senegalese fishing zones for which the geographical coordinates are communicated to the Union before the start of provisional application in accordance with the Senegalese legislation in force.
3. Union vessels may not engage in activities in prohibited areas, or during biological rest periods, in accordance with the provisions set out in the Annex and in national legislation.

4. European pole-and-line vessels shall be authorised to access live bait in accordance with the conditions laid down in national legislation.

Article 4

Financial contribution

1. The total value of the Protocol, for the period referred to in Article 15, is estimated at EUR 15 253 750, or EUR 3 050 750 per year. This annual amount can be broken down as follows:
 - EUR 1 700 000 per year from the financial contribution referred to in Article 6 of the Agreement, allocated as follows:
 - (a) a specific annual amount of EUR 800 000 as financial compensation for access to resources, including an amount equivalent to a reference tonnage of 10 000 tonnes per year for highly migratory species;
 - (b) a specific amount of EUR 900 000 per year for five years to support implementation of the Senegalese sectoral fisheries policy;
 - EUR 1 350 750 per year, corresponding to the estimated fees payable by the vessel owners for fishing authorisations issued under Article 4 of the Agreement according to the procedures set out in Chapter II, point 3.
2. Paragraph 1 shall apply subject to Articles 5, 7 and 9 of this Protocol and Articles 13 and 14 of the Agreement.
3. Senegal and the Union shall, where appropriate, use daily catch data received by the flag Member State to monitor the activities of Union fishing vessels in Senegalese fishing zones in order to ensure appropriate management of:
 - the reference tonnage set out in point (a) of the first indent of paragraph 1 for highly migratory species; and
 - the authorised catch volume for demersal species set out in the relevant technical sheet annexed to this Protocol.
4. The European Union, the flag Member States and Senegal shall monitor catches using, in particular, the *Electronic Reporting System* (ERS). They shall take the appropriate measures incumbent upon them to ensure that the authorised catch volume is not exceeded and shall notify one another of the measures taken.
5. Once catch levels have reached 80% of the authorised catch volume for deep-water demersal species, weekly monitoring of catches made by Union fishing vessels will be carried out. Once the ERS is operational, this monitoring will be carried out on a daily basis. Senegal shall notify the Union authorities once the authorised catch volume has been reached. On receipt of this notification, the Union shall likewise inform the Member States, which will withdraw from the fishing zone.
6. If the annual quantity of catches of highly migratory species by Union fishing vessels in Senegalese waters exceeds the annual reference tonnage set out in point (a) of the

first indent of paragraph 1, the total amount of the annual financial contribution shall be increased by EUR 45 for each additional tonne caught.

7. The authorised volume of catches of deep-water demersal species set out in the corresponding technical sheet annexed to this Protocol corresponds to the maximum volume of authorised catches of those species. If the annual quantity of catches of these species were to exceed the authorised volume, a penalty of EUR 95 per tonne, in addition to the fee, would be applied to the catches exceeding the limit.
8. Payment of the financial contribution set out in point (a) of the first indent of paragraph 1 for access by Union fishing vessels to Senegalese fishery resources shall be made by the Union no later than 90 days after the date of provisional application of the Protocol for the first year, and no later than on the anniversary date of the signing of the Protocol for the following years.
9. The financial contribution referred to in points (a) and (b) of the first indent of paragraph 1 shall be paid into a Senegalese Public Treasury account. The sectoral support referred to in point (b) of the first indent of paragraph 1 shall be made available to the Maritime Fisheries Directorate for the purposes of its implementation. Senegal shall ensure that the sectoral support funds are included in the budget programming (annual finance law). The Senegalese authorities shall send the European Commission the details of the appropriate Public Treasury account before the provisional application of the Protocol and then annually.

Article 5

Sectoral support

1. The sectoral support provided for under this Protocol shall contribute, in particular, to implementing the Sectoral Policy Letter on the development of Senegal's fisheries and aquaculture (2016-2023) and to developing the maritime economy. The purpose of the support is to:
 - ensure sustainable management of resources;
 - improve the monitoring, control and surveillance of fishing activities;
 - develop scientific capacities, conduct research into fishery resources and collect data;
 - support small-scale fishing;
 - develop aquaculture;
 - add value to, monitor and provide health certification for fishery products; and
 - strengthen the capacity of operators in the sector.
2. No later than three months after the entry into force or, if applicable, the provisional application of this Protocol, the Joint Committee shall lay down a multiannual sectoral programme and rules for implementing it, in particular:
 - the annual and multiannual guidelines for using the financial contribution referred to in point (b) of the first indent of Article 4(1);

- the objectives, both annual and multiannual, to be achieved with a view to establishing, over time, responsible and sustainable fishing, taking account of the priorities expressed by Senegal in its national fisheries policy or other policies relating to or having an impact on the introduction of responsible and sustainable fishing, in particular with regard to support for small-scale fishing and the surveillance, monitoring and combating of illegal, unreported and unregulated (IUU) fishing, as well as priorities for reinforcing Senegal’s scientific capacities in the fisheries sector;
 - criteria and procedures, including, where appropriate, budgetary and financial indicators, for evaluating the results obtained each year.
3. The first instalment of sectoral support shall be paid once the Joint Committee has validated the multiannual programming.
 4. The Joint Committee shall set objectives for and estimate the expected impact of projects in order to approve the allocation by Senegal of the financial contribution for sectoral support. It may, where appropriate, revise the arrangements for implementing sectoral support.
 5. Each year Senegal shall present an annual achievement report, to be examined by the Joint Committee, setting out how the projects implemented with sectoral financial support have progressed. A final report shall also be drawn up by Senegal when the Protocol expires.
 6. The financial contribution for sectoral support shall be paid in instalments on the basis of an analysis of the outcomes of the sectoral support and of the needs identified during the multiannual programming. The sectoral support provided for in point (b) of the first indent of Article 4(1) may be suspended in the following cases: if the results obtained are inconsistent with the programming, following an evaluation carried out by the Joint Committee, or in the event of failure to implement the financial contribution in line with the agreed programming.
 7. Payment of the sectoral support shall resume after consultation and agreement by the Parties, and/or if the results of the financial implementation referred to in paragraph 4 so warrant. The support may not, however, be paid out for more than six months after the Protocol expires.
 8. Any proposed changes to the multiannual sectoral support programme shall be approved by the Joint Committee, where appropriate by exchange of letters.
 9. The Parties shall ensure the visibility of the achievements resulting from the sectoral support.

Article 6

Scientific cooperation

1. The Parties shall undertake to promote cooperation on responsible fishing in the region of West Africa. They shall undertake to comply with the recommendations and resolutions of the International Commission for the Conservation of Atlantic Tunas (ICCAT) and to take account of the scientific opinions of other competent regional organisations such as the Committee for Eastern Central Atlantic Fisheries (CECAF).
2. The Parties shall undertake to convene the Joint Scientific Working Group regularly and when required in order to examine all scientific issues relating to the implementation of this Protocol. The mandate, composition and functioning of this Joint Scientific Working Group shall be laid down by the Joint Committee.
3. The Parties shall undertake to make public and exchange any relevant information on fishing activities pertaining to this Protocol.
4. In order to ensure sustainable management of the fishery resources covered by this Protocol, the Joint Committee shall adopt measures relating to the activities of Union fishing vessels on the basis of the recommendations and resolutions adopted by ICCAT and in the light of the best available scientific advice such as that of CECAF and, where appropriate, the findings of the Joint Scientific Working Group meetings.

Article 7

Economic cooperation and exploitation

1. The Parties shall encourage economic and technical cooperation between operators in the fisheries and processing industry in order to create favourable conditions for investment and economic exploitation of the resource.
2. The Parties shall exploit the potential of the financial and technical instruments at their disposal to increase the coherence of actions in the area of fisheries and the blue economy. For that reason, particular emphasis will be placed on adding value to the products, supplying processing units and the local market, and promoting trade.

Article 8

Adjustment of fishing opportunities and review of the provisions governing fishing activities

1. The fishing opportunities referred to in Article 1 may be adjusted by the Joint Committee insofar as the recommendations and resolutions adopted by ICCAT and the opinions of CECAF confirm that the adjustment ensures the sustainable management of the fish species covered by this Protocol, and subject to validation by the Scientific Working Group.

2. In such cases, the financial contribution referred to in point (a) of the first indent of Article 4(1) shall be adjusted proportionately and *pro rata temporis*.
3. The Joint Committee may examine and, where necessary, adapt or modify, by mutual agreement, the provisions governing fishing activities and technical measures for implementing this Protocol.

Article 9

Incidental catches

In line with ICCAT recommendations, the Parties shall undertake to work together in order to reduce incidental catches of protected species of sea birds, sea turtles, sharks and marine mammals. For that purpose, Union vessels shall implement technical measures scientifically proven to improve the selectivity of fishing gear and to reduce the incidental catch of non-target species.

Article 10

New fishing opportunities and exploratory fishing

1. Should Union fishing vessels be interested in fishing activities which are not provided for in Article 1, the Parties shall consult each other in the Joint Committee on whether to grant authorisation for these new activities. Where appropriate, the Joint Committee shall agree on the conditions applicable to these new fishing opportunities and make any necessary amendments to this Protocol and its Annex.
2. Authorisation for new fishing activities shall be granted taking account of the best scientific advice and, where appropriate, on the basis of the results of scientific surveys validated by the Joint Scientific Working Group.
3. Following the consultations referred to in paragraph 1, the Joint Committee shall authorise exploratory fishing surveys in the Senegalese fishing zones to test the technical feasibility and the economic viability of new fisheries. For that purpose, if Senegal so requests, it shall determine on a case-by-case basis the species, conditions and all other appropriate parameters. The Parties shall carry out exploratory fishing in accordance with the conditions laid down by the Joint Scientific Working Group.

Article 11

Electronic communication

1. Senegal and the Union shall undertake to set up as soon as possible the computer systems necessary for the electronic exchange of all information and documents relating to the implementation of the Agreement.
2. The electronic form of a document shall be considered equivalent to the paper version in every respect.

3. Senegal and the Union shall inform each other without delay of any malfunction of a computer system. The information and documents relating to the implementation of the Agreement shall then be automatically replaced by their paper version.

Article 12

Confidentiality of data

1. Senegal and the Union shall undertake that all nominative data relating to Union vessels and their fishing activities obtained within the framework of the Agreement are at all times processed strictly in accordance with their respective confidentiality and data protection principles.
2. The Parties shall ensure that only aggregate data relating to fishing activities in Senegalese fishing zones are made public, in accordance with the relevant provisions of ICCAT and the other regional fisheries management organisations. Data which may be considered confidential must be used by the competent authorities exclusively for the purposes of implementing the Agreement and for fishery management, controls and monitoring.
3. As regards personal data transmitted by the Parties, appropriate safeguards and legal remedies may be established by the Joint Committee in accordance with the EU General Data Protection Regulation [Regulation (EU) 2016/679 of 27 April 2016] and the rules applicable to Senegal.

Article 13

Suspension

The application of this Protocol, including payment of the financial contribution, may be suspended unilaterally by either Party in the cases and on the conditions set out in Article 14 of the Agreement.

Article 14

Termination

This Protocol may be terminated unilaterally by either Party in the cases and on the conditions set out in Article 14 of the Agreement.

Article 15

Duration

This Protocol and its Annex shall apply for a period of five years from the date of provisional application.

Article 16

Provisional application

This Protocol shall apply provisionally from the date of signature.

Article 17

Entry into force

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

CONDITIONS GOVERNING FISHING ACTIVITIES BY EU VESSELS IN SENEGALESE FISHING ZONES

CHAPTER I

GENERAL PROVISIONS

1. Designation of the competent authority

1. For the purposes of this Annex and unless otherwise specified, any reference to the European Union (EU) or to the Republic of Senegal (Senegal) as a competent authority shall mean:

- for the EU: the European Commission, where applicable via the EU Delegation in Senegal;
- for the Republic of Senegal: the Ministry of Fisheries and the Maritime Economy.

2. For the purposes of applying the provisions of this Annex, the term ‘fishing authorisation’ shall be equivalent to ‘licence’, as defined in Senegalese legislation.

3. The rights and obligations indicated as being those of ‘vessels’ shall be understood to be those of the operators of the vessels and their agents and of the masters responsible for the operations.

2. Fishing zones

‘Senegalese fishing zones’ are defined as those parts of Senegalese waters in which Senegal authorises Union fishing vessels to carry out fishing activities in accordance with Article 4(1) of the Agreement.

- 2.1. The geographical coordinates of the Senegalese fishing zones and the baselines shall be communicated to the European Union before provisional application in accordance with Senegalese legislation.
- 2.2. Similarly, the zones in which fishing is prohibited by the national legislation in force, such as national parks, protected marine areas and fish breeding grounds, and the zones closed to shipping shall be communicated to the European Union before provisional application in accordance with Senegalese legislation.
- 2.3. Senegal shall notify the boundaries of the fishing and closed zones to the vessel owners when issuing the fishing authorisation.
- 2.4. Senegal shall inform the Commission of any changes to these zones at least two months before the changes apply.

3. Biological rest periods

Union fishing vessels authorised to carry out fishing activities under this Protocol shall comply with all biological rest periods established under Senegalese legislation. Each year the order setting the biological rest period shall be notified to the EU in sufficient time for the applications for authorisation to be amended.

4. Designation of an agent

Any Union fishing vessel engaged in an activity in Senegalese fishing zones must be represented by an agent resident in Senegal.

5. Bank account for payments by vessel owners

Senegal shall send the European Union, before the start of provisional application of the Protocol, the details of the appropriate Public Treasury account into which the financial sums payable by EU vessels under the Agreement are to be paid. The associated bank transfer costs shall be borne by the vessel owners.

6. Contacts

The two Parties shall inform each other of the respective contact points for:

- procedures relating to fishing authorisations;
- reporting obligations of Union operators; and
- other exchanges of information relating to implementation of the Protocol and to compliance with the standards and obligations under Senegalese legislation.

CHAPTER II

FISHING AUTHORISATIONS

1. Conditions for obtaining a fishing authorisation – eligible vessels

The fishing authorisations referred to in Article 4 of the Agreement shall be issued on condition that:

- the vessel is listed in the Union register of fishing vessels;
- the eligibility conditions laid down in this Protocol and EU legislation on the sustainable management of external fishing fleets are met; and
- all prior obligations of the vessel owner or master or with respect to the vessel itself arising from fishing activities in Senegal under the Agreement have been met.

2. Applications for fishing authorisations

- 2.1. The competent EU authorities shall submit, by electronic means, an application for each vessel to the Ministry of Fisheries and the Maritime Economy, with a copy to the EU Delegation in Senegal, at least 20 working days before the start of the period of validity requested.
- 2.2. Applications shall be submitted to the competent Senegalese authority using the form set out in Appendix 1.
- 2.3. All fishing authorisation applications shall be accompanied by the following documents:
 - proof of payment of the flat-rate advance set out in the technical sheet in the Appendix for the category concerned; and
 - a colour photograph of the vessel, taken from the side.

- 2.4. Under the Protocol in force, any application to renew a fishing authorisation for a vessel whose technical specifications have not been modified shall be accompanied only by proof of payment of the flat-rate advance.

3. Fees and flat-rate advances

- 3.1. Fishing authorisations shall be issued once the flat-rate advance has been paid to the competent national authorities, as set out below.
- 3.2. The flat-rate advances and fees in EUR per tonne caught in the Senegalese fishing zones are as follows:

For tuna seiners:

- for the first three years of the Protocol, an annual flat-rate advance of EUR 18 500 per vessel equivalent to 231.25 tonnes, on the basis of a fee of EUR 80 per tonne; and
- for the last two years of the Protocol, an annual flat-rate advance of EUR 18 500 per vessel equivalent to 217.65 tonnes per year, on the basis of a fee of EUR 85 per tonne.

For pole-and-line vessels:

- an annual flat-rate advance of EUR 13 000 per vessel, equivalent to 173.33 tonnes per year, on the basis of a fee of EUR 75 per tonne.

For longliners:

- an annual flat-rate advance of EUR 3 525 per vessel, equivalent to 47 tonnes per year, on the basis of a fee of EUR 75 per tonne.

For trawlers:

- a flat-rate advance of EUR 500 per vessel and per quarter for a fee of EUR 95 per tonne.

The amounts of the fee and the flat-rate advance and the technical conditions are set out in the technical sheets in the Appendices.

- 3.3. The fee and the flat-rate advance shall include all national and local charges except for port taxes and service charges.
- 3.4. If the period of validity of the fishing authorisation is less than one year, in particular because of a biological rest period, the flat-rate advance shall be adapted *pro rata temporis* to the period of validity, as set out in paragraph 6, in accordance with the provisions laid down in the Appendix.

4. Issuing of fishing authorisations and provisional list of vessels authorised to fish

- 4.1. Once it has received the applications for fishing authorisations in accordance with points 2.2 and 2.3, Senegal shall, within five working days, draw up a provisional list of each category of vessel authorised to fish.
- 4.2. This list shall be sent to the national body responsible for supervising fishing and to the EU. Senegal may send the provisional list directly to the vessel owner or to their agent.
- 4.3. Vessels shall be authorised to fish as soon as they are included on the provisional list. These vessels must keep a copy of the provisional list on board at all times until their fishing authorisation is issued.
- 4.4. Fishing authorisations for all vessels shall be issued by the competent authority to vessel owners or their representatives within 20 working days of receipt of all the documents

referred to in point 2.3. A copy of the authorisations shall also be sent to the EU Delegation in Senegal.

- 4.5. In order not to delay the possibility of fishing in the area, a copy of the fishing authorisation shall at the same time be sent to the vessel owners electronically. This copy may be used for a maximum period of 60 days after the date on which the fishing authorisation was issued. During this period, the copy shall be considered equivalent to the original.
- 4.6. The fishing authorisation must be kept on board at all times, without prejudice to the provisions of points 4.3 and 4.5 of this Section.

5. Transfer of fishing authorisations

- 5.1. Fishing authorisations shall be issued for a given vessel and shall not be transferable.
- 5.2. However, at the request of the EU and where *force majeure* is proven in a technical report, in particular in the event of the loss or prolonged immobilisation of a vessel due to a serious technical failure, the fishing authorisation of the initial vessel shall be replaced by a new fishing authorisation for another vessel of the same category, with no further fee payable.
- 5.3. In such cases, the calculation of the catch levels to determine whether an additional payment should be made shall take account of the sum of the total catches of the two vessels.
- 5.4. The owner of the vessel to be replaced, or their representative, shall return the cancelled fishing authorisation to the competent authority and inform the EU Delegation in Senegal in writing.
- 5.5. Once the cancelled authorisation has been returned, a new fishing authorisation shall be issued as soon as possible. The EU Delegation shall be informed of the transfer of the fishing authorisation.

6. Period of validity of licences

- 6.1. Fishing authorisations for tuna vessels shall be valid for an annual period. Fishing authorisations for ocean-going fish trawlers (deep-water demersal species) shall be valid for a quarterly period.
- 6.2. Fishing authorisations shall be renewable.
- 6.3. In order to establish the start of the period of validity of fishing authorisations:
- ‘annual period’ shall mean the period from provisional application of the Protocol until 31 December of the same year; then, each complete calendar year; for the last year of application of the Protocol, the period between 1 January and the date of expiry of the Protocol; and
 - ‘quarterly period’ shall mean, from provisional application of the Protocol, the period between the date of its entry into force and the date of the start of the next quarter, a quarter having to begin on 1 January, 1 April, 1 July or 1 October; then, each complete quarter; at the end of application of the Protocol, the period between the end of the last full quarter and the date of expiry of the Protocol.

7. Support vessels

- 7.1. At the request of the EU, Senegal shall authorise Union fishing vessels holding a fishing authorisation to be assisted by support vessels.

- 7.2. This support may not include refuelling or the transhipment of catches.
- 7.3. Support vessels must fly the flag of an EU Member State and may not be equipped for fishing.
- 7.4. Support vessels shall be subject, where applicable, to the procedure governing the sending of applications for fishing authorisations set out in this Chapter. Applications for authorisation shall be accompanied by the list of fishing vessels for which support activities are carried out.
- 7.5. Senegal shall draw up the list of authorised support vessels and send it to the national body responsible for supervising fishing and to the EU.
- 7.6. The fee for each support vessel shall be EUR 3 500 per vessel per year.
- 7.7. The authorisation of support vessels shall not be transferable and the fees shall not be reduced *pro rata temporis*.

CHAPTER III

TECHNICAL MEASURES

1. The technical measures relating to zone, fishing gear and by-catch applicable to ocean-going fish trawlers (deep-water demersal species) holding a fishing authorisation are set out in the technical sheet in Appendix 2.
2. The technical measures applicable to tuna vessels holding a fishing authorisation are set out in the technical sheet in Appendix 3. Tuna vessels shall comply with the recommendations and resolutions of ICCAT and take account of the scientific advice of other regional fisheries management organisations (RFMOs).

CHAPTER IV

MONITORING, CONTROL AND SURVEILLANCE

SECTION 1

Monitoring and reporting of catches

- 1. Electronic fishing logbook**
 - 1.1. The master of a Union vessel fishing under the Agreement shall keep an electronic fishing logbook as part of an electronic recording and reporting system (ERS).
 - 1.2. Vessels not equipped with an ERS shall not be authorised to enter Senegal's fishing zone in order to engage in fishing activities.
 - 1.3. The logbook for tuna fishing shall be adapted, if necessary, to comply with the relevant recommendations and resolutions of ICCAT or of other RFMOs for other fisheries.
 - 1.4. The fishing logbook shall be completed by the master for each day the vessel is present in the Senegalese fishing zones.
 - 1.5. Each day the master shall record in the fishing logbook the estimated quantity of each species caught and held on board in each fishing operation. The quantities shall be expressed in kilograms of live weight or, where necessary, the number of individual fish. The fishing logbook shall be completed legibly, in block capitals, and shall be

signed by the master. The master shall be responsible for the accuracy of the data recorded in the fishing logbook. The fishing logbook data shall be emailed automatically on a daily basis to the Fisheries Monitoring Centre (FMC) of the flag State and to the competent Senegalese authority. The emails shall include at least the following:

- (c) the name of the fishing vessel and the vessel identification numbers;
 - (d) the FAO 3-alpha code of each species;
 - (e) the relevant geographical area in which the catches were made;
 - (f) the date and, where appropriate, time of the catches;
 - (g) the date and time of departure from and arrival at the port, and the duration of the fishing trip;
 - (h) the type of gear, technical specifications and dimensions;
 - (i) the estimated quantities of each species kept on board, in kilograms live weight or, where appropriate, the number of individual fish; and
 - (j) the estimated quantities of each species discarded, in kilograms live weight or, where appropriate, the number of individual fish.
- 1.6. The flag State shall ensure that the data are received and recorded in a computer database in which they can be stored securely for at least 36 months.
 - 1.7. The flag State and Senegal shall ensure that they have the necessary IT equipment and software to automatically transmit ERS data. ERS data shall be transmitted using the electronic means of communication operated by the European Commission for exchanging fisheries data in a standardised form. Changes to standards shall be implemented within six months.
 - 1.8. The flag State's Fisheries Monitoring Centre shall ensure that fishing logbooks are automatically made available by ERS to Senegal's FMC on a daily basis for the period during which the vessel is present in the fishing zone, even in the event of a zero catch.
 - 1.9. The arrangements for reporting catches by ERS and the procedures in the event of malfunction are set out in Appendix 4.
 - 1.10. The Senegalese authorities shall process data on the fishing activities of individual vessels in a confidential and secure manner.
 - 1.11. Paragraphs 1.6 to 1.9 shall apply from when Senegal has given notice that it is equipped with an ERS and that automatic receipt by its Fisheries Monitoring Centre has become operational, where appropriate after a test period. Until automatic receipt is operational, the information referred to in paragraph 1.8(a) to (h) shall be provided by vessels in usable electronic format, by email, when they leave the zone, in the form of an extract from the electronic fishing logbook accompanying their notice of departure, or at the latest 48 hours after they arrive at a port in Senegal. In such cases, the data shall also be sent to the Oceanographic Research Centre of Dakar-Thiaroye (*Centre de Recherche Océanographique de Dakar Thiaroye*, CRODT). Once receipt of ERS data by Senegal has become operational, fishing logbooks shall be sent to the CRODT by the Senegalese Fisheries Monitoring Centre.
 - 1.12. Uptake of the authorised catch volume shall be monitored by the flag Member State and Senegal on the basis of daily declarations. The flag Member State shall ensure that fishing operations are discontinued by the date when the authorised catch limit of its

vessels is expected to be reached, so as to prevent the authorised volume from being exceeded.

2. Aggregate catch data

- 2.1. In each quarter, the flag State shall provide the quantities of each vessel's catches and discards, aggregated over one month, to the database maintained by the European Commission. In the case of species subject to an authorised catch volume under the Protocol or ICCAT recommendations, the quantities shall be provided on a monthly basis for the previous month.
- 2.2. The flag State shall verify the data by checking it against landing, sales, inspection or observation data and any relevant information of which the authorities are aware. Updates to the database required as a result of these verifications shall be carried out as quickly as possible. The verifications shall use the geographical coordinates of the fishing zones as established in this Protocol. The conversion factors used to determine the live-weight equivalent shall be validated by the Joint Committee.
- 2.3. The European Union shall provide the Senegalese authorities, before the end of each quarter, with aggregate data extracted from the database for the previous quarters of the current year, indicating the quantities of catches per vessel, per month and per species. These data shall be provisional and expandable.
- 2.4. Senegal shall analyse the data and report any major inconsistencies with the electronic fishing logbook data provided by ERS. The flag States shall conduct investigations and update the data where appropriate.
- 2.5. Where the provisions concerning catch reporting are not complied with, Senegal may suspend the fishing authorisation of the vessel concerned until the missing catch data is reported and penalise the ship owner in accordance with the relevant provisions under the national legislation in force. If the offence is repeated, Senegal may refuse to renew the fishing authorisation.
- 2.6. Senegal shall inform the Union immediately of any penalty applied in this context.

3. Transition to an electronic fishing data reporting system (ERS)

The two Parties agree to ensure a transition to an electronic system for reporting fishing data based on the technical characteristics laid down in Appendix 4. The Parties agree to define common arrangements to ensure that this transition takes place as soon as possible. Senegal shall inform the EU as soon as the conditions for this transition have been met. The Parties agree to have the system fully operational within two months of the date on which this information is sent.

4. Statement of fees

- 4.1. Verification of quarterly data
 - 4.1.1. Senegal shall promptly inform the European Union (EU) of the results of the verification referred to in paragraph 2.3 of this Section.
 - 4.1.2. The EU shall inform Senegal of the necessary explanations provided, where appropriate, by the scientific institute of the flag Member State. The Joint Scientific Working Group or the scientific institutes shall meet if necessary.
- 4.2. Final statement and payment

- 4.2.1. For each vessel, the Union shall draw up, on the basis of its aggregate data declarations, a statement of catches and a statement of the fees owed by the vessel in respect of its annual season for the previous calendar year.
- 4.2.2. The Union shall send these final statements to the Senegalese authorities, and to the vessel owner via the Member State, before 30 June of the current year. Senegal shall verify and validate the final statements within thirty days of their receipt. If Senegal does not object within this thirty-day period, the final statements shall be considered adopted. In the event of disagreement, the Parties shall consult each other, where appropriate in the Joint Committee.
- 4.3. Where the amount of the final statement is greater than the anticipated flat-rate fee paid to obtain the fishing authorisation, the vessel owner shall pay the outstanding balance to Senegal by 31 July of the current year. Where the amount of the final statement is less than the anticipated flat-rate fee, the remaining amount may not be reclaimed by the vessel owner. Vessel owners shall send Senegal a copy of the proof of payment.

SECTION 2

Entering and leaving Senegalese waters

1. Union fishing vessels operating in Senegalese waters under this Protocol shall notify the competent Senegalese authorities, at least four hours in advance, of their intention to enter or leave Senegalese waters.
2. When notifying entry into / exit from Senegalese waters, vessels shall also communicate their position and the catches held on board, identified by their FAO 3-alpha code, expressed in kilograms of live weight or, where necessary, the number of individual fish, without prejudice to the provisions of Section 2 of Appendix 4. This information shall be communicated by email or fax until the date on which automatic receipt of ERS messages is considered operational, as agreed upon by the Parties.
3. Any vessel found to be fishing without having informed the competent Senegalese authorities shall be considered to have committed an offence and shall be liable to the penalties provided for by the national legislation.
4. The email address, fax and telephone numbers and radio coordinates of the competent Senegalese authorities shall be annexed to the Protocol in Appendix 6.

SECTION 3

Entry into port, transshipment and landings

1. Vessels shall notify the competent authority of their entry into port at least 72 hours in advance.
2. Pole-and-line vessels shall land catches made in the Senegalese fishing zones at the port of Dakar.
 - 2.1. Pole-and-line vessels shall offer their catches preferably to industrial or non-industrial processing companies and to the local market, at a price set by negotiation between operators with reference to the international market.

2.2. In accordance with the provisions of the health approval issued by the European Union to Senegal, catches landed in Dakar under this Protocol shall be required to be inspected and certified by the competent Senegalese authority.

3. All Union fishing vessels operating under this Protocol which carry out transshipments in Senegalese waters shall do so in accordance with Senegalese legislation.

4. Transshipment requests shall include the following information:

4.1. the tonnage by species to be transhipped or landed;

4.2. the day of transshipment or landing; and

4.3. the destination of the transhipped or landed catches.

5. Any transshipment or landing of catches not covered by the above provisions shall be prohibited in Senegalese waters. Any person infringing this provision shall be liable to the penalties provided for by the applicable Senegalese regulations.

SECTION 4

Satellite-based vessel monitoring system (VMS)

1. Vessel position messages – VMS

1.1. Any EU vessel authorised under this Protocol shall be equipped with a satellite-based vessel monitoring system (VMS).

It is forbidden to move, disconnect, destroy, damage or render inoperative the continuous tracking system using satellite communications placed on board the vessel for the purposes of data transmission or to intentionally alter, divert or falsify data transmitted or recorded by such a system.

EU vessels shall communicate their position automatically and continuously, every hour in the case of seiners and every two hours in the case of all other vessels, to the Fisheries Monitoring Centre (FMC) of their flag State. This frequency may be increased where investigations are carried out into a vessel's activities.

1.2. Each position message shall contain:

- (a) the vessel identification;
- (b) the most recent geographical position of the vessel (longitude, latitude), with a margin of error of less than 500 metres and with a confidence interval of 99%;
- (c) the date and time the position is recorded; and
- (d) the vessel's speed and course.

Position messages shall have the format described in Appendix 5 to this Annex.

- (a) The arrangements for notifying vessel positions by VMS and the procedures in the event of malfunction are set out in Appendix 5.
- (b) The FMCs shall communicate with each other in the context of monitoring vessel

activity.

2. Secure communication of position messages to Senegal

The FMC of the flag State shall automatically send the position messages of their vessels to Senegal's FMC. The FMCs of the flag State and Senegal shall exchange their contact email addresses and inform each other without delay of any change to these addresses.

The transmission of position messages between the FMCs of the flag State and Senegal shall be carried out electronically using a secure communication system.

Senegal's FMC shall immediately inform the flag State's FMC and the European Union of any interruption in the receipt of a series of position messages from a vessel holding a fishing authorisation if the vessel concerned has not notified its exit from the zone.

3. Validity of VMS messages in the case of dispute

The position data provided by the VMS shall be considered reliable in the case of dispute between the Parties.

SECTION 5

Observers

4. Observation of fishing activities

- 1.1. Vessels holding a fishing authorisation shall be subject to a scheme for observing their fishing activities carried out under the Agreement.
- 1.2. For tuna vessels, this observation scheme shall comply with the provisions of the recommendations adopted by ICCAT (International Commission for the Conservation of Atlantic Tunas) and, where appropriate, the regional observation programmes drawn up under ICCAT.

5. Designated vessels and observers

- 5.1. When fishing authorisations are issued, Senegal shall inform the EU and the vessel owner or their agent of the vessels which have been designated to take on board an observer and the times at which the observer will be present on board each vessel.
- 5.2. Senegal shall inform the EU and the vessel owner or their agent of the name of the designated observer at the latest 15 days before the date provided for the observer to board. Senegal shall immediately inform the EU and the vessel owner or their agent of any change in the designated vessels and observers.
- 5.3. Senegal shall endeavour not to designate observers for vessels which already have an observer on board, or which are already formally obliged to allow an observer on board during the fishing season in question as part of their activities in fishing zones other than those of Senegal.

- 5.4. For deep-sea demersal trawlers, the time on board shall not exceed two months. The observer shall not spend more time on board the vessel than is necessary to carry out their duties.

6. Flat-rate financial contribution

- 6.1. At the time the annual fee is paid, owners of freezer tuna seiners, pole-and-line vessels and surface longliners shall also pay the Fisheries Protection and Monitoring Directorate (*Direction de la Protection et de la Surveillance des Pêches*, DPSP) a flat-rate sum of EUR 600 per vessel as a contribution to the proper functioning of the observer programme.
- 6.2. At the time the quarterly fee is paid, owners of trawlers shall also pay the DPSP a flat-rate sum of EUR 150 per vessel as a contribution to the proper functioning of the observer programme.

7. Observer's salary

The salary and social contributions of the observer shall be borne by Senegal.

8. Conditions on board

- 8.1. The conditions on board for the observer, in particular the duration of their presence, shall be defined by mutual agreement between the vessel owner or their agent and Senegal.
- 8.2. Observers shall be treated as officers when on board. However, account must be taken of the technical structure of the vessel when the observer is received on board.
- 8.3. The vessel owner shall bear the costs of providing accommodation and food for the observer on board.
- 8.4. The master shall do everything in their power to ensure the physical safety and welfare of the observer.
- 8.5. The observer shall be provided with every facility needed to carry out their duties. They shall have access to means of communication and to documents relating to the vessel's fishing activities, in particular the fishing logbook and navigation log, and the parts of the vessel directly related to their duties.

9. Obligations of the observer

Whilst they are on board, observers shall:

- 9.1. take all appropriate measures so as not to interrupt or hinder fishing operations;
- 9.2. respect on-board property and equipment; and
- 9.3. respect the confidential nature of any document belonging to the vessel.

10. Observer's boarding and leaving the vessel

- 10.1. The observer shall be taken on board at a port chosen by the vessel owner.
- 10.2. The vessel owner or their representative shall inform Senegal, giving 10 days' notice, of the date, time and port of boarding of the observer. If the observer is taken on board in a foreign country, their travel costs to the port of boarding shall be borne by the vessel owner.
- 10.3. If the observer does not present themselves for boarding within 12 hours of the date and time set, the vessel owner shall be automatically discharged from their obligation to

allow the observer to board. They shall be free to leave the port and start fishing operations.

- 10.4. Where the observer is not put ashore in a Senegalese port, the vessel owner shall bear the costs of repatriating the observer to Senegal as soon as possible.

11. Tasks of the observer

The tasks assigned to the scientific observers shall be:

- keeping accurate records of fishing trips by entering the main fishing-related information (the geographical position of the vessel, the starting and finishing times of fishing operations, the number of net hauls, where appropriate the number of longlines and FADs, etc.);
- collecting information on specific catches (quantities and sizes) and by-catches, in particular as regards cephalopods, crustaceans, demersal fish, sharks, sea turtles, marine mammals and sea birds;
- taking biological samples for scientific studies of the reproduction, growth and identity of stocks. The samples shall be taken in accordance with a scientific protocol drawn up by the National Fisheries Research Institute;
- in the case of tuna vessels, observing and reporting on FADs in accordance with the ICCAT observer programme adopted under the multiannual conservation and management programme for tropical tuna; and
- carrying out any other scientific tasks recommended by the Joint Scientific Working Group.

12. Observer's report

- 12.1. Before leaving the vessel, the observer shall submit a report on their observations to the master of the vessel. The master of the vessel shall have the right to make comments in the observer's report. The report shall be signed by the observer and the master. The master shall receive a copy of the observer's report.
- 12.2. The observer shall send their report to Senegal, which shall send a copy of it to the EU within eight days of the observer being set ashore.

SECTION 6

Inspections at sea or in port

1. Inspections at sea

- 1.1. Inspections at sea in the Senegalese fishing zones of Union vessels holding a fishing authorisation shall be carried out by vessels and inspectors from Senegal who can clearly be identified as being assigned to carry out fishing checks.
- 1.2. Before going on board, the Senegalese inspectors shall inform the EU vessel of their decision to carry out an inspection. The inspection shall be carried out by a maximum of two inspectors, who must provide proof of their identity and official position as an inspector before carrying out the inspection.
- 1.3. The Senegalese inspectors shall remain on board the Union fishing vessel only for the time necessary to carry out tasks associated with the inspection. They shall carry out the inspection in such a way as to minimise the impact on the vessel, its fishing activity and cargo.

- 1.4. Senegal may authorise the EU to participate in the inspection at sea as an observer.
- 1.5. The master of the Union fishing vessel shall allow the Senegalese inspectors to board the vessel and carry out their work.
- 1.6. At the end of each inspection, the Senegalese inspectors shall draw up an inspection report. The master of the Union fishing vessel shall have the right to make comments in the inspection report. The inspection report shall be signed by the inspector drawing up the report and the master of the Union fishing vessel.
- 1.7. The Senegalese inspectors shall give a copy of the inspection report to the master of the Union fishing vessel before leaving the vessel. In the event of an infringement, Senegal shall send a copy of the inspection report to the EU within eight days of the inspection.

2. Inspections in port

- 2.1. Inspections in port of Union fishing vessels which land or tranship catch from the Senegalese zone in the waters of a Senegalese port shall be carried out by authorised inspectors.
- 2.2. The inspection shall be carried out by a maximum of two inspectors, who must provide proof of their identity and official position as an inspector before carrying out the inspection. The Senegalese inspectors shall remain on board the Union fishing vessel only for the time necessary to carry out tasks associated with the inspection and shall carry out the inspection in such a way as to minimise the impact on the vessel, the landing or transhipment operation and the cargo.
- 2.3. Senegal may authorise the EU to participate in the inspection in port as an observer.
- 2.4. The master of the Union fishing vessel shall allow the Senegalese inspectors to carry out their work.
- 2.5. At the end of each inspection, the Senegalese inspector shall draw up an inspection report. The master of the Union fishing vessel shall have the right to make comments in the inspection report. The inspection report shall be signed by the inspector drawing up the report and the master of the Union fishing vessel.
- 2.6. The Senegalese inspectors shall give a copy of the inspection report to the master of the Union fishing vessel at the end of the inspection. Senegal shall send a copy of the inspection report to the EU within eight days of the inspection.

SECTION 7

Infringements

1. Handling of infringements

- 1.1. Any infringement committed by a Union fishing vessel holding a fishing authorisation in accordance with this Annex shall be mentioned in an inspection report. The report shall be sent to the EU and the flag State as soon as possible.
- 1.2. The signing of the inspection report by the master shall be without prejudice to the vessel owner's right of defence in respect of the reported infringement.

2. Detention of vessels – information meeting

- 2.1. Any Union fishing vessel having committed an infringement may, if the Senegalese legislation in force so provides with regard to the infringement in question, be forced to cease its fishing activity and, if the vessel is at sea, to return to the port of Dakar.

- 2.2. Senegal shall notify the EU within 24 hours of any detention of a Union fishing vessel holding a fishing authorisation. That notification shall be accompanied by documentary evidence of the reported infringement.
- 2.3. Before taking any measures against the vessel, the master, the crew or the cargo, with the exception of measures taken to protect evidence, Senegal shall, if the EU so requests, organise an information meeting within one working day of notification of the vessel's detention, to clarify the facts which have led to the vessel being detained and to explain what further action may be taken. A representative of the vessel's flag State may attend this information meeting.
- 3. Penalties for infringements – compromise procedure**
- 3.1. The penalty for the reported infringement shall be set by Senegal in accordance with the national legislation in force.
- 3.2. Where settling the infringement involves legal proceedings, provided that the infringement does not involve a criminal offence, a compromise procedure between Senegal and the EU shall take place before the proceedings are launched to determine the terms and level of the penalty. The compromise procedure shall finish at the latest three days after notice is given of the vessel's detention.
- 3.3. Representatives of the vessel's flag State and the European Union may participate in this compromise procedure.
- 4. Legal proceedings – bank security**
- 4.1. If the compromise procedure fails and the infringement is brought before the competent court, the owner of the vessel that committed the infringement shall deposit a bank security at a bank designated by Senegal, the amount of which, as set by Senegal, shall cover the costs associated with the detention of the vessel, the estimated fine and any compensation. The bank security may not be recovered until the legal proceedings have been concluded.
- 4.2. The bank security shall be released and returned to the vessel owner immediately after the judgment has been given:
- (c) in full, if no penalty has been imposed;
 - (d) for the amount of the remaining balance, if the penalty is a fine which is lower than the amount of the bank security.
- 4.3. Senegal shall inform the EU of the outcome of the legal proceedings within eight days of the judgment being given.
- 5. Release of the vessel and the crew**

The vessel and its crew shall be authorised to leave the port once the penalty set under the compromise procedure has been paid, or once the bank security has been deposited.

SECTION 8

Participatory monitoring in the fight against IUU fishing

1. Objective

In order to strengthen monitoring of fishing on the high seas and the fight against IUU fishing, Union fishing vessels shall report the presence in the Senegalese fishing zones of any vessels which are not on the list provided by Senegal of foreign vessels authorised to fish in the country.

2. Procedure

- 2.1. Where the master of a Union fishing vessel observes a fishing vessel engaged in activities that may constitute IUU fishing, they may gather as much information as possible about what has been sighted.
- 2.2. Sighting reports shall be sent without delay to the Senegalese authorities and to the competent authority of the flag State of the sighting vessel, which shall forward them to the European Commission or to the body designated by it.
- 2.3. The European Commission shall send this information to Senegal.

3. Reciprocity

Senegal shall send the European Union, as soon as possible, any sighting reports it has on fishing vessels engaged in activities that may constitute IUU fishing in the Senegalese fishing zones.

CHAPTER V

SIGNING-ON OF SEAMEN

1. Owners of Union fishing vessels operating under this Protocol shall employ ACP nationals, subject to the following conditions and limits:
 - for the fleet of tuna seiners and longliners, at least 25% of the seamen signed on during the tuna-fishing season in the Senegalese fishing zone shall be from Senegal or possibly from another ACP country;
 - for the fleet of pole-and-line vessels, at least 30% of the seamen signed on during the fishing season in the Senegalese fishing zone shall be from Senegal or possibly from another ACP country; and
 - for the fleet of deep-sea demersal trawlers, at least 25% of the seamen signed on during the fishing season in the Senegalese fishing zone shall be from Senegal or possibly from another ACP country.
2. Vessel owners shall endeavour to sign on Senegalese seamen.
3. The principles and rights enshrined in the ILO core conventions shall apply to seamen taken on board Union fishing vessels. These include, in particular, freedom of association, effective recognition of the right to collective bargaining, and elimination of discrimination in respect of employment and occupation.

4. The employment contracts of Senegalese seamen, a copy of which shall be given to the maritime authority and the signatories of the contracts, shall be drawn up between the vessel owners' representative(s) and the seamen and/or their trade unions or representatives. These contracts shall ensure that the seamen have decent living and working conditions on board and the social security cover applicable to them, in accordance with the relevant legislation and the ILO standards, including life assurance and sickness and accident insurance.
5. The wages of seamen from ACP countries shall be paid by the vessel owners. They shall be set by mutual agreement between the vessel owners or their representatives and the seamen and/or their trade unions or representatives. The wages of seamen from ACP countries shall not, however, be below ILO standards.
6. All seamen recruited by Union fishing vessels shall report to the master of the designated vessel on the day before their proposed signing-on date. If a seaman fails to appear at the agreed date and time of signing-on, the vessel owner shall be automatically absolved of their obligation to take the seaman on board.
7. Vessel owners shall transmit on an annual basis information on seamen signed on. This information shall include the number of seamen who are nationals of:
 - (a) the European Union;
 - (b) an ACP country, distinguishing between Senegalese seamen and those from other ACP countries; and
 - (c) a non-ACP and non-EU country.

APPENDICES

- (1) Fishing authorisation application form
- (2) Technical sheet for demersal species
- (3) Technical sheet for tuna species
- (4) Electronic fishing logbook
- (5) Satellite-based vessel monitoring system (VMS)
- (6) Contact details of the authorities of Senegal and the flag Member States

SENEGAL-EUROPEAN UNION FISHERIES AGREEMENT
APPLICATION FOR A FISHING AUTHORISATION

PERIOD:

I – APPLICANT

1. Name of vessel owner: Nationality:
2. Address of vessel owner:
3. Name of vessel owner's association or representative:
- 4.3. Address of vessel owner's association or representative:
- 4.4. Telephone: Fax: Email:
- 6.5. Name of master: Nationality: Email:

II – VESSEL IDENTIFICATION

1. Name of vessel:
2. Flag State:
3. External registration number:
4. Port of registry: MMSI: IMO number:
5. Date on which current flag was acquired:/...../..... Previous flag (if any):
6. Year and place of construction:/...../..... in Radio call sign:
7. Call frequency: Satellite telephone number:
8. Hull construction material: Steel ☐ Wood ☐ Polyester ☐ Other ☐

III – TECHNICAL CHARACTERISTICS AND EQUIPMENT

1. Overall length: Width: Draught:
2. Tonnage (expressed in GT): Net tonnage:
3. Power of main engine in kW: Make: Type:
4. Type of vessel: ☐ Tuna seiner ☐ Pole-and-line vessel ☐ Deep-sea demersal trawler ☐ Longliner ☐ Support vessel
5. Fishing gear:
6. Fishing zones:
7. Target species:
8. Designated port for landing operations:
9. Crew complement:
10. Method of preservation on board: Cooling ☐ Refrigeration ☐ Mixed ☐ Freezing ☐
11. Freezing capacity in tonnes/24 hours: Hold capacity: Number:
12. VMS transponder:
Manufacturer: Model: Serial number:
Software version: Satellite operator:

I, the undersigned, certify that the information provided in this application is true and given in good faith.

Done at, on

Signature of applicant

TECHNICAL SHEET FOR DEEP-WATER DEMERSAL SPECIES

(1) Target species:
Deep-water hake (<i>Merluccius senegalensis</i> and <i>Merluccius polli</i>)
(2) Fishing zones:
The permitted fishing zone is defined as follows (1) :
a) west of longitude 016° 53' 42" W between the Senegalese-Mauritanian border and latitude 15° 40' 00" N;
b) from 15 nautical miles from the reference line between latitude 15° 40' 00" N and latitude 15° 15' 00" N;
c) from 12 nautical miles from the reference line between latitude 15° 15' 00" N and latitude 15° 00' 00" N;
d) from 8 nautical miles from the reference line between latitude 15° 00' 00" N and latitude 14° 32' 30" N;
e) west of longitude 017° 30' 00" W, in the zone between latitude 14° 32' 30" N and latitude 14° 04' 00" N;
f) west of longitude 017° 22' 00" W, in the zone between latitude 14° 04' 00" N and the northern Senegalese-Gambian border;
g) west of longitude 017° 35' 00" W, in the zone between the southern Senegalese-Gambian border and latitude 12° 33' 00" N;
h) south of azimuth 137° drawn from point P9 (12° 33' 00" N ; 017° 35' 00" W) to the intersection with azimuth 220° drawn from Cape Roxo, to take account of the management and cooperation agreement between Senegal and Guinea-Bissau.
(3) Authorised gear:
Conventional demersal or hake trawl, minimum mesh size 70 mm. No methods or devices may be used to seek to obstruct the mesh of the nets or reduce their selective effect. However, in the interests of reducing wear or damage, protective aprons of netting or other material may be attached, but only to the underside of the codend of a bottom trawl. Such aprons must be attached only to the forward and lateral edges of the codend of the trawl. Protective devices may be used for the top of the trawl, but these must consist of a single section of net of the same material as the codend, with the mesh measuring at least 300 millimetres when stretched out. Doubling of the codend's netting yarn, whether single or multiple, is prohibited.
(4) By-catches (2):
15% cephalopods, 5% crustaceans and 20% other deep-water demersal fish.
The above percentages of by-catches shall be calculated at the end of each trip, in relation to the total catch weight, in accordance with Senegalese regulations.
It is prohibited to retain on board, tranship, land, store or sell all or some of the elasmobranchs protected by the EU Plan of Action for the Conservation and Management of Sharks and by the Regional Fisheries Management Organisations and the competent Regional Fisheries Organisations, i.e. oceanic whitetip shark (<i>Carcharhinus longimanus</i>), silky shark (<i>Carcharhinus falciformis</i>), white shark (<i>Carcharodon carcharias</i>), basking shark (<i>Cetorhinus maximus</i>), porbeagle (<i>Lamna nasus</i>), bigeye thresher shark

(*Alopias superciliosus*), angel shark (*Squatina squatina*), giant manta ray (*Manta birostris*) and hammerhead shark species (*Sphyrna zygaena*).

Elasmobranch species not allowed on board, if accidentally caught, must not be injured. Specimens caught must be promptly released.

It is prohibited to retain on board, tranship, land, store or sell pelagic species, among which *Trachurus spp.*, *Sardina pilchardus*, *Scomber spp.* and *Sardinella spp.*.

(5) Total allowable catch / fees:

Authorised catch volume:	1 750 tonnes per year
Fee:	EUR 95/tonne

The fee shall be calculated at the end of each period of three months in which the vessel is authorised to fish, taking into account the catches made during that period.

The licence shall be granted on advance payment of EUR 500 per vessel, to be deducted from the total amount of the fee. The advance payment shall be made at the beginning of each three-month period in which the vessel is authorised to fish.

(6) Other	
- Number of vessels authorised to fish	2 vessels
- Type of vessels authorised to fish	Ocean-going fish trawlers (deep-water demersal species)
- Signing-on of seamen from Senegal or other ACP countries	25% of the crew
- Biological rest period	1 May to 30 June (3)

It is compulsory for each trawler to take on board a scientific observer.

[\(1\)](#) The fishing zone may, if necessary, be defined by coordinates setting out the boundaries of the polygon in which fishing is permitted. These coordinates shall be communicated to the European Commission by the Senegalese authorities before this Protocol enters into force.

[\(2\)](#) This provision shall be reviewed, if necessary, after one year of application.

[\(3\)](#) The biological rest period, like other technical conservation measures, shall be reviewed after the Protocol has been in force for one year and may, should the Joint Scientific Working Group so recommend, be adapted to take account of fish stocks.

TECHNICAL SHEET FOR FREEZER TUNA SEINERS, POLE-AND-LINE VESSELS AND SURFACE LONGLINERS

1. Fishing zones

A deep-sea pelagic fishing licence shall confer:

- 1.1. on pole-and-line tuna vessels, wet tuna seiners and freezer tuna seiners the right to fish for tuna anywhere in the waters under Senegal's jurisdiction;
- 1.2. on surface longliners targeting swordfish the right to drop their lines:
 - from 15 nautical miles from the reference line running from the Senegalese-Mauritanian border to latitude 14° 25' 00"N;
 - west of longitude 17° 15' 00" N, in the zone between latitude 14° 25' 00" N and the northern Senegalese-Gambian border;
 - west of longitude 17° 15' 00" W, in the zone between the southern Senegalese-Gambian border and the Senegal-Guinea-Bissau border.

2. Prohibited species

In accordance with the Convention on Migratory Species and with ICCAT resolutions, it is prohibited to fish for giant manta ray (*Manta birostris*), basking shark (*Cetorhinus maximus*), white shark (*Carcharodon carcharias*), bigeye thresher shark (*Alopias superciliosus*), hammerhead sharks in the Sphyrnidae family (with the exception of the bonnethead shark), oceanic whitetip shark (*Carcharhinus longimanus*), silky shark (*Carcharhinus falciformis*) and whale shark (*Rhincodon typus*).

In accordance with EU law (Council Regulation (EC) No 1185/2003 of 26 June 2003), it is prohibited to remove shark fins on board vessels and to keep on board, tranship or land shark fins. Without prejudice to the above, shark fins may be partially sliced through and folded against the carcass in order to facilitate on-board storage. They must not be removed from the carcass before landing, however.

In line with ICCAT recommendations, the Parties shall endeavour to reduce the accidental impact of fishing activities on turtles and sea birds by implementing measures to maximise the chance of survival of individual turtles and sea birds caught by accident.

3. Gear and species

TUNA SEINERS

- (2) Authorised gear: seine
- (3) Target species: yellowfin tuna (*Thunnus albacares*), bigeye tuna (*Thunnus obesus*) and skipjack tuna (*Katsuwonus pelamis*)
- (4) By-catches: compliance with ICCAT and FAO recommendations.

POLE-AND-LINE VESSELS

- (5) Authorised gear: pole and line
- (6) Target species: yellowfin tuna (*Thunnus albacares*), bigeye tuna (*Thunnus obesus*) and skipjack tuna (*Katsuwonus pelamis*)

- (7) By-catches: compliance with ICCAT and FAO recommendations.

SURFACE LONGLINERS

- (8) Authorised gear: surface longline
- (9) Target species: swordfish (*Xiphias gladius*), blue shark (*Prionace glauca*), yellowfin tuna (*Thunnus albacares*) and bigeye tuna (*Thunnus obesus*)
- (10) By-catches: compliance with ICCAT and FAO recommendations.
- 4. Vessel owners' fees – number of vessels:**

Additional fee per tonne caught	- seiners: EUR 80 for the first three years EUR 85 for the final two years - pole-and-line vessels: EUR 75 for the entire duration of the Protocol - surface longliners: EUR 75 for the entire duration of the Protocol
Annual flat-rate advance	For tuna seiners: EUR 18 500 For pole-and-line vessels: EUR 13 000 For surface longliners: EUR 3 525
Flat-rate fee for observers	EUR 600 per vessel per year
Fee per support vessel	EUR 3 500 per vessel per year
Number of vessels authorised to fish	28 tuna seiners 5 surface longliners 10 pole-and-line vessels

Electronic fishing logbook (ERS)

ERS communications

- (1) The flag State and Senegal shall each designate an ERS correspondent who will act as the point of contact for matters relating to the implementation of the ERS. The flag State and Senegal shall notify each other of the contact details of their ERS correspondents and, where necessary, update that information without delay.
- (2) ERS data shall be transmitted by the vessel to its flag State, which will make them automatically available to Senegal.
- (3) Data shall be in UN/CEFACT format and shall be transmitted via the FLUX network provided by the European Commission.
- (4) The Parties may, however, agree on a transition period during which the data are transmitted via the Data Exchange Highway (DEH) in EU-ERS (v 3.1) format.
- (5) The flag State's FMC shall transmit instant messages (COE, COX, PNO) from the vessel automatically and without delay to Senegal's FMC. Other types of messages shall also be transmitted automatically once a day from the effective date of use of the UN-CEFACT format or, until that date, shall be made available without delay to Senegal's FMC, upon request made automatically to the flag State's FMC via the European Commission's central node. As from the effective implementation of the new format, the latter delivery mode will only concern specific requests for historical data.
- (6) Senegal's FMC shall confirm that it has received the instant ERS data sent to it by means of a return message acknowledging receipt and confirming the validity of the message received. No acknowledgement of receipt shall be provided for the data that Senegal receives in response to a request it has submitted itself. Senegal shall treat all ERS data confidentially.

Failure of the electronic transmission system on board the vessel or of the communication system

- (7) The flag State's and Senegal's FMCs shall inform each other without delay of any event likely to affect the transmission of the ERS data from one or more vessels.
- (8) If Senegal's FMC does not receive the data to be transmitted by a vessel, it shall notify this to the flag State's FMC without delay. The flag State's FMC shall promptly investigate the reasons for this non-receipt of ERS data and inform Senegal's FMC of the result of those investigations.
- (9) Where a failure occurs in the transmission between the vessel and the flag State's FMC, the latter shall notify this without delay to the master or the operator of the vessel or, in their absence, to their representative. On receipt of this notification, the master of the vessel shall transmit the missing data to the competent authorities of the flag State by any appropriate means of telecommunication every day, no later than 24.00.
- (10) In the event of a failure of the electronic transmission system installed on board the vessel, the master or the operator of the vessel shall ensure that the ERS is repaired or replaced within ten days of detecting the failure. Once that deadline has passed, the vessel shall no longer be authorised to fish in the fishing zone and must leave or call at a

Senegalese port within twenty-four hours. The vessel shall not be authorised to leave that port or to return to the fishing zone until the FMC of its flag State has established that the ERS system is functioning correctly again.

- (11) If the non-receipt of the ERS data by Senegal is caused by the failure of the electronic systems under the supervision of the European Union or Senegal, the Party in question shall take any prompt action to resolve the problem rapidly. The other Party shall be notified once the problem has been resolved.
- (12) The flag State's FMC shall send Senegal's FMC every 24 hours, using any electronic means of communication available, all ERS data received by the flag State since the last transmission. The same procedure may be applied at the request of Senegal in the case of maintenance operations lasting more than twenty-four (24) hours and affecting the systems under the supervision of the European Union. Senegal shall inform its competent monitoring services so that EU vessels are not considered to be in breach of their obligation to transmit ERS data. The flag State's FMC shall ensure that the missing data are entered into the electronic database it keeps in accordance with point 1 of Appendix 5.

Alternative means of communication

The email address of Senegal's FMC to be used in the event of a failure in ERS/VMS communications shall be notified before the Protocol enters into force.

It shall be used for:

- entry and exit notifications and notifications of on-board catches on entry and exit;
- landing and transshipment notifications and notifications of catches transhipped, landed or remaining on board; and
- temporary, substitute ERS and VMS communications in the event of failures.

Satellite-based vessel monitoring system (VMS)

Vessel position messages – VMS

The first position recorded after entry into the Senegalese zone shall be identified by the code 'ENT'. All subsequent positions shall be identified by the code 'POS', with the exception of the first position recorded after departure from the Senegalese zone, which shall be identified by the code 'EXI'.

The FMC of the flag State shall ensure the automatic processing and, if necessary, the electronic transmission of the position messages. The position messages shall be recorded in a secure manner and kept for a period of three (3) years.

Transmission by the vessel in the event of breakdown of the VMS

The master shall ensure at all times that the VMS of their vessel is fully operational and that the position messages are correctly transmitted to the flag State's FMC.

In the event of breakdown, the VMS of the vessel shall be repaired or replaced within thirty days. After that period, the vessel shall no longer be authorised to fish in the Senegalese zone.

Vessels fishing in the Senegalese zone with a defective VMS shall communicate their position messages by email, radio or fax to the flag State's FMC, at least every four hours, and must provide all the mandatory information.

Malfunction of the communication system

Senegal shall ensure the compatibility of its electronic equipment with that of the flag State's FMC and inform the EU immediately of any malfunction as regards the sending and receiving of position messages with a view to finding a technical solution as soon as possible. The Joint Committee shall deal with any dispute that may arise.

The master shall be considered responsible if a vessel's VMS is found to have been tampered with in order to disrupt its operation or falsify its position messages. Any infringements shall be subject to the penalties provided for in Senegalese law.

Revision of the frequency of position messages

On the basis of documentary evidence pointing to an infringement, Senegal may ask the flag State's FMC, copying in the European Union, to reduce the frequency for sending position messages from a vessel to every thirty (30) minutes for a set period of investigation. Senegal must send this documentary evidence to the flag State's FMC and the European Union. The flag State's FMC shall immediately send position messages to Senegal at the new frequency.

At the end of the set investigation period, Senegal shall inform the flag State's FMC and the EU of any follow-up required.

Communication of VMS messages to Senegal

The code 'ER' followed by a double slash (//) indicates the end of the message.

Data	Code	Mandatory/ optional	Content
Start of record	SR	M	System detail indicating start of record
Addressee	AD	M	Message detail – Addressee Alpha-3 country code (ISO-3166)
From	FR	M	Message detail – Sender Alpha-3 country code (ISO-3166)
Flag State	FS	M	Message detail – Flag State Alpha-3 code (ISO-3166)
Type of message	TM	M	Message detail – Type of message (ENT, POS, EXI, MAN)
Radio call sign (IRCS)	RC	M	Vessel detail – Vessel international radio call sign (IRCS)
Contracting party internal reference number	IR	M	Vessel detail – Unique contracting party number Alpha-3 code (ISO-3166) followed by number
External registration number	XR	M	Vessel detail – Number on side of vessel (ISO 8859.1)
Latitude	LT	M	Vessel position detail – Position in degrees and decimal degrees N/S DD.ddd (WGS84)
Longitude	LG	M	Vessel position detail – Position in degrees and decimal degrees E/W DD.ddd (WGS84)
Course	CO	M	Vessel course 360° scale
Speed	SP	M	Vessel speed in tenths of knots
Date	DA	M	Vessel position detail – Date of record of UTC position (YYYYMMDD)
Time	TI	M	Vessel position detail – Time of record of UTC position (HHMM)
End of record	ER	M	System detail indicating end of record

In NAF format, each data transmission shall be structured as follows:

Characters used must comply with ISO 8859.1. A double slash (//) and the characters 'SR' indicate the start of a message.

Each data element is identified by its code and separated from the other data elements by a double slash (//).

A single slash (/) shall separate the field code and the data.

Before the provisional application of the Protocol, Senegal shall state whether the VMS data are to be transmitted via FLUX TL, in UN/CEFACT format.

CONTACT DETAILS OF THE AUTHORITIES OF SENEGAL AND THE FLAG MEMBER STATES

SENEGAL:

1. Maritime Fisheries Directorate

Address: LOT 1 SPHÈRE MINISTÉRIELLE DE DIAMNIADIO, 2^e ÉTAGE, BÂTIMENT D

Email: magoudiaby@yahoo.fr

Telephone: 00221 33 849 84 40

2. For applications for fishing authorisations

Address: LOT 1 SPHÈRE MINISTÉRIELLE DE DIAMNIADIO, 2^e ÉTAGE, BÂTIMENT D

Email: layee78@yahoo.fr

Email (alternative): magoudiaby@yahoo.fr

Telephone: 00221 33 849 84 40

3. Fisheries Protection and Monitoring Directorate (*Direction de la Protection et de la Surveillance des Pêches, DPSP*) and entry and exit notification

Name of FMC (call sign): PAPA SIERA

Radio: VHF Channel 16

Morning (8.00 to 10.00): Hz [tbc]

Afternoon (14.00 to 17.00): Hz [tbc]

Address: FENETRE MERMOZ, CORNICHE OUEST DAKAR

Email: surpeche@hotmail.com

Email (alternative): crrsdpsp@gmail.com

Telephone: +221 338602465

4. Oceanographic Research Centre of Dakar-Thiaroye (*Centre de Recherche Océanographique de Dakar Thiaroye, CRODT*)

Address: POLE DE RECHERCHE ISRA/HANN, BP 2241 DAKAR

Email: hamet.diadhiou@isra.sn

Email (alternative): hamet_diadhiou@yahoo.fr

Telephone: 00221 33 832 82 62

FLAG MEMBER STATES:

The Union shall send the relevant contact details of the flag Member States to Senegal before the start of provisional application of this Protocol.

ANNEX II

PROCEDURE FOR THE APPROVAL OF AMENDMENTS TO THE PROTOCOL TO BE ADOPTED BY THE JOINT COMMITTEE

Where the Joint Committee is asked to adopt amendments to the Protocol in accordance with its Articles 6 and 7(2), the Commission shall be authorised to approve the proposed amendments on behalf of the Union, under the following conditions:

- (1) The Commission shall ensure that the approval on behalf of the Union:
 - (a) is in accordance with the objectives of the common fisheries policy;
 - (b) is consistent with the relevant rules adopted by regional fisheries management organisations and takes account of joint management by coastal States;
 - (c) takes account of the latest statistical, biological and other relevant information sent to the Commission.
- (2) Before the Commission approves proposed amendments on behalf of the Union, the Commission shall submit them to the Council in sufficient time before the relevant Joint Committee meeting.
- (3) The compliance of the proposed amendments with the criteria laid down in point 1 of this Annex shall be assessed by the Council.
- (4) Unless a number of Member States equivalent to a blocking minority of the Council in accordance with Article 16(4) of the Treaty on European Union object to the proposed amendments, the Commission shall approve them on behalf of the Union. If there is such a blocking minority, the Commission shall reject the proposed amendments on behalf of the Union.
- (5) If, in the course of subsequent meetings of the Joint Committee, it is impossible to reach an agreement, including on the spot, the matter shall be referred back to the Council, in accordance with the procedure set out in points 2 to 4, in order for the Union position to take account of new factors.
- (6) The Commission is invited to take, in due time, any steps necessary to follow up on the decision of the Joint Committee, including, where appropriate, publication of the relevant decision in the Official Journal of the European Union and submission of any proposal necessary for the implementation of that decision.

As regards other matters which do not concern amendments to the Protocol in accordance with its Articles 6 and 7(2), the position to be adopted by the Union in the Joint Committee shall be determined in accordance with the Treaties and established working practices.