



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 4 December 2003  
(OR. fr)**

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**LEGISLATIVE ACTS AND OTHER INSTRUMENTS**

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Subject : Council Regulation on the conclusion of the Fisheries Agreement between the European Community and the Republic of Mozambique

**COMMON GUIDELINES**

**Consultation deadline: 10.12.2003**

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**COUNCIL REGULATION (EC) No     /2003**

**of**

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

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 Commission <sup>1</sup>,

Having regard to the Opinion of the European Parliament <sup>2</sup>,

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<sup>1</sup> OJ C

<sup>2</sup> Opinion delivered on 4 December 2003 (not yet published in the Official Journal).

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 on behalf of the Community.

The text of the Agreement is attached to this Regulation.

## Article 2

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

- (a) 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)
  
- (b) Freezer tuna seiners:
  - Spain: 17 vessels
  - France: 18 vessels
  
- (c) 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 500/2001 of 14 March 2001 laying down detailed rules for the application of Council Regulation (EEC) No 2847/93 on the monitoring of catches taken by Community fishing vessels in third country waters and on the high seas <sup>1</sup>.

### Article 4

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement in order to bind the Community <sup>2</sup>.

### Article 5

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

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<sup>1</sup> OJ L 73, 15.3.2001, p. 8.

<sup>2</sup> The date of entry into force of the Agreement will be published in the Official Journal of the European Union by the General Secretariat of the Council.

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

Done at Brussels,

For the Council  
The President

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FISHERIES  
AGREEMENT  
BETWEEN THE EUROPEAN COMMUNITY  
AND THE REPUBLIC OF MOZAMBIQUE



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

on the one hand, and

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

on the other hand,

together 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 Commission of the European Communities;
- (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 the European Communities 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, 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:

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

- Dublin bay prawn: 100 t,
- cephalopods: 75 t,
- fish: 240 t,
- crawfish: 0 t,
- crab: 120 t,

for a maximum of ten vessels.

(b) freezer tuna seiners: 35 vessels,

(c) 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 this Protocol, shall be fixed at EUR 4 090 000 a year.

The financial compensation for fishing for tuna and related species shall amount to EUR 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 exclusive economic zone (EEZ) exceeds this weight, the amount referred to above shall be proportionately increased at the rate of EUR 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 EUR 1 800 000 a year.

The annual financial compensation for deep-water shrimp fishing and by-catches in Mozambican waters shall be fixed at EUR 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 EUR 4 090 000 a year, broken down as follows:

- (a) EUR 1 500 000 for monitoring marine fisheries;
- (b) EUR 1 000 000 for institutional development;

- (c) EUR 1 000 000 for research;
- (d) EUR 430 000 for training;
- (e) EUR 100 000 for quality control;
- (f) EUR 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 Commission of the European Communities 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 of the European Communities 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 after the 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 Commission of the European Communities for the purpose of covering the projected measures.

#### ARTICLE 4

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

Following consultation between the Parties within the Joint Committee, the Commission of the European Communities 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.

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 Commission of the European Communities, 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 Commission of the European Communities, 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 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 EUR 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 EUR 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 EUR 3 000 per tuna seiner and EUR 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 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 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 EUR 600 per tonne of the quota.

Licences shall be issued subject to the advance payment to the Ministry of Fisheries of a fee of EUR 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 EUR 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 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 Commission of the European Communities 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. Transshipment

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 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 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 Commission Delegation in Maputo, without prejudice to the sanctions applicable under the legislation concerned.

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 <sup>(1)</sup> \_\_\_\_\_

IDENTITY CARD No \_\_\_\_\_ ISSUED AT (PLACE) \_\_\_\_\_

VALID UNTIL \_\_\_\_/\_\_\_\_/\_\_\_\_ RESIDENT AT \_\_\_\_\_

REQUESTS THE ISSUE OF A FISHING LICENCE <sup>(2)</sup>

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 <sup>(3)(4)</sup>

1. NAME \_\_\_\_\_ FLAG \_\_\_\_\_ REGISTRATION No \_\_\_\_\_

2. PORT OF REGISTRATION \_\_\_\_\_ YEAR OF CONSTRUCTION \_\_\_\_ SHIPYARD/COUNTRY \_\_\_\_\_

3. TYPE OF HULL <sup>(5)</sup> \_\_\_\_\_ COLOUR OF SIDES \_\_\_\_\_ COLOUR OF SUPERSTRUCTURE \_\_\_\_\_

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

5. ELECTRONIC EQUIPMENT <sup>(6)</sup>: 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 <sup>(6)</sup> \_\_\_\_\_ STERN TRAWL <sup>(6)</sup> \_\_\_\_\_ NUMBER OF GEARS \_\_\_\_\_

9. PRESERVATION OF THE FISH <sup>(6)(7)</sup>

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: \_\_\_\_\_ m<sup>3</sup> 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.

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.

Indicate 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).

<sup>2</sup> Indicate 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.

<sup>3</sup> Indicate 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.....□

N.B.: 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  
MINISTRY OF FISHERIES  
FISHERIES INSPECTION  
DEPARTMENT

QUALITY CONTROL  
SYSTEM  
(GUIDE)

FR: 16/IP  
2002 VERSION  
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.

N.B.: 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.

N.B.: 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).

#### N.B.: 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.).

REPUBLIC OF MOZAMBIQUE	HYGIENE RULES	FR: 17/IP
MINISTRY OF FISHERIES	(GUIDE)	2002 VERSION
FISHERIES INSPECTION DEPARTMENT		Approved by:

### 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.





