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ANNEXES 1 to 2

ANNEXES

to the

Proposal for a COUNCIL DECISION

on the conclusion of the Implementing Protocol (2021-2026) to the Fisheries Partnership Agreement between the Gabonese Republic and the European Community

ANNEX I

IMPLEMENTING PROTOCOL (2021-2026) TO THE FISHERIES PARTNERSHIP AGREEMENT BETWEEN THE GABONESE REPUBLIC AND THE EUROPEAN COMMUNITY

Considering the close cooperation between the parties, particularly in the context of relations between the African, Caribbean and Pacific Group of States (ACP) and the European Union, and their mutual desire to intensify that relationship,

the parties to this Protocol,

being parties to the Sustainable Fisheries Partnership Agreement between the Gabonese Republic and the European Community, hereinafter referred to as 'the Agreement',

recalling the provisions of the Agreement,

recalling also the principle that all States must adopt appropriate measures to ensure the sustainable management and conservation of marine resources and cooperate with each other to that end,

reaffirming the objective of ensuring the sustainable exploitation of the surplus of marine biological resources,

reaffirming also the objective of ensuring the sustainable joint exploitation and management of shared stocks,

whereas it is important to promote international cooperation in scientific research,

have agreed as follows:

PART I General provisions

Article 1

Definitions applicable to this Protocol

For the purposes of this Protocol, the definitions set out in Article 1 of the Agreement shall apply. In addition,

‘fishing activity’ means searching for fish, shooting, setting, towing or hauling a fishing gear, taking catch on board, transhipping, retaining on board, processing on board, transferring, caging, fattening and landing of fish and fishery products;

‘EU authorities’ means the European Commission;

‘Gabonese authorities’ means the Ministry of Gabon that is responsible for fisheries;

‘catches’ means marine aquatic species caught by fishing gear deployed by a fishing vessel;

‘landing’ means unloading of any quantity of fishery products from a fishing vessel on land;

‘delegation’ means the Delegation of the European Union to Gabon;

‘serious dispute’ means disagreement regarding the interpretation of the Protocol and preventing its implementation;

‘fish aggregating devices’ means natural or artificial objects floating on the surface under which the various species they attract gather, thereby increasing the catchability of these species;

‘national legislation’ means Gabon’s legislation regarding fishing activities;

‘fishing license’ means an administrative authorisation issued by the Gabonese authorities to an operator entitling them to fish in the Gabonese fishing zone for a specified period; equivalent to the fishing authorisation defined by EU legislation;

‘EU vessel’ means a fishing vessel or support vessel flying the flag of a Member State of the EU and registered in the EU;

‘support vessel’ means a vessel other than a craft carried on board that is not equipped with operational fishing gear designed to catch or attract fish and that facilitates, assists or prepares fishing operations;

‘observer’ means any person authorised by a national authority, in accordance with the Annex, to observe the implementation of the rules applicable to a fishing activity, or to observe the activity for scientific purposes;

‘operator’ means the natural or legal person who operates or holds any undertaking carrying out any of the activities related to any stage of the production, processing, marketing, distribution or retail chains of fisheries and aquaculture products;

‘fishing opportunity’ means a quantified legal entitlement to fish, expressed in terms of catches or fishing effort;

‘protocol’ means this Protocol on the implementation of the Agreement, as well as its Annex and the Appendices thereto;

‘discards’ means catches not retained on board;

‘allowable catch surplus’ means that part of the allowable catch which a coastal State does not harvest, resulting in an overall exploitation rate for individual stocks that remains below levels at which stocks are capable of restoring themselves and maintaining populations of harvested species above desired levels based on the best available scientific advice;

‘transhipment’ means the transfer of some or all of the catches made by one fishing vessel to another vessel, including, in accordance with Gabonese legislation, storage in containers or any other packaging;

‘Gabonese fishing zone’ means those parts of the waters under Gabon’s jurisdiction in which Gabon authorises EU fishing vessels to carry out fishing activities in accordance with Article 5 of the Agreement.

Article 2

Objective and period of application

1. The objective of this Protocol is to implement the provisions of the Agreement, notably by specifying the conditions governing access by EU vessels to the Gabonese fishing zone and setting out the provisions for implementing the sustainable fisheries partnership.

2. This Protocol shall apply for a period of 5 years from the date of its signature, in accordance with Article 24.

Article 3

Field of application

This Protocol shall apply to:

1. the Gabonese fishing zone, the geographical coordinates of which are given in Appendix 1 to the Annex. This definition shall not affect any negotiations on the delimitation of the sea areas of coastal States bordering the fishing zone or the rights of third countries in general;

2. the target species listed in Appendix 2 to the Annex, excluding species protected or prohibited under the International Commission for the Conservation of Atlantic Tunas (ICCAT) or other international agreements and Gabonese legislation;

3. the fishing activities carried out by EU vessels in the Gabonese fishing zone.

Article 4

Relationship between this Protocol and the Agreement

The provisions of this Protocol shall be interpreted and applied in the context of and in a manner consistent with the Agreement.

Article 5

Relationship between the Protocol and other agreements and legal instruments

The provisions of this Protocol shall be interpreted and applied in accordance with:

(a) the recommendations and resolutions of the ICCAT or other relevant regional fisheries organisations, such as the COREP (Regional Fisheries Commission for the Gulf of Guinea);

(b) the 1995 United Nations Fish Stocks Agreement;

(c) the 1995 Code of Conduct for Responsible Fisheries (FAO);

(d) the 2009 Agreement on Port State Measures (FAO);

(e) the essential elements referred to in Article 9 of the Cotonou Agreement, or included in the equivalent article of the agreement between the European Union and the ACP countries that succeeds it;

and in a manner compatible with them.

Article 6

Access to the surplus and access based on a scientific opinion

1. The parties agree that EU fishing vessels are only to fish the allowable catch surplus referred to in Article 62(2) and (3) of the United Nations Convention on the Law of the Sea (UNCLOS), as identified, in a clear and transparent manner, on the basis of available and relevant scientific advice and relevant information exchanged between the parties on the total fishing effort exerted on the affected stocks by all fleets operating in the fishing zone.

2. With respect to straddling or highly migratory fish stocks, the parties shall take due account of scientific assessments conducted at regional level as well as conservation and management measures adopted by relevant regional fisheries management organisations (RFMOs) to determine the resources available for access.

Article 7

Economic cooperation and exploitation

1. In accordance with Article 8 of the Agreement, the parties shall cooperate in economic, commercial, scientific and technical matters in the fisheries and related sectors. To this end, they agree on the creation of a consultation mechanism, involving operators, aimed at improving the business environment and identifying opportunities for cooperation and investment in the fisheries sector in the context of the national strategy for the development of the sector implemented by Gabon. This consultation mechanism shall take the form of regular meetings that may lead in particular to proposals and recommendations to the joint committee or to cooperation of an operational nature. Where appropriate, it shall also be based on the financing of specific actions in the context of sectoral support.

2. The parties shall cooperate with a view to facilitating the landing of catches from EU vessels operating in Gabon’s fishing zone.

3. Gabon shall encourage operators, or groups of operators, to tranship, land and appraise locally all or part of the fishery resources caught in its fishing zone. To this end, Gabon shall establish incentive schemes to benefit operators, in accordance with its national legislation.

4. EU vessels shall endeavour to procure the supplies and services necessary for their activities from Gabon, depending on the availability of provisions and related services.

5. To this end, the parties shall encourage both human and institutional capacity building in the fisheries sector, in order to improve skills development and training capacities, so as to contribute to sustainable fishing activities in Gabon and the development of the blue economy.

6. This Protocol shall contribute to the development of trade relations between the parties and take account of developments relating to the Economic Partnership Agreement (EPA). To achieve this, the parties shall regularly discuss ways of facilitating access to the European market for fishery products originating from Gabon.

PART II: Rights and obligations

Article 8

Authorised access for EU vessels

1. Access to the fishing zone shall be possible for EU vessels up to the following limits:

(a) 27 tuna seiners;

(b) 6 pole-and-line tuna vessels;

(c) 4 trawlers mainly targeting bottom-dwelling crustaceans, in the context of exploratory fishing and in line with the conditions laid down in the Annex.

In addition, support vessels for tuna seiners may enter the fishing zone under the conditions laid down in paragraph 3 of Chapter I of the Annex.

2. This Article shall apply subject to the provisions of Articles 17 and 18. The procedure for obtaining a fishing licence for a vessel, the fees applicable and the terms of payment to be used by the vessel owner shall be as set out in the Annex.

Article 9

Compliance with Gabon's national legislation

1. With a view to ensuring a regulatory framework for sustainable fishing, EU vessels operating in the fishing zone shall comply with the national legislation, unless otherwise provided for in the Agreement or this Protocol. The Gabonese authorities shall notify the EU authorities of the applicable laws and regulations no later than 1 month prior to the application of this Protocol.

2. The EU undertakes to take all appropriate measures to ensure that its vessels comply with the Agreement and with the notified laws and regulations, and that the monitoring, control and surveillance measures relating to fishing activities under this Protocol are effectively applied.

3. EU vessels must cooperate with the Gabonese authorities responsible for monitoring, control and surveillance.

4. The parties shall notify one another of any changes in their respective fisheries policy or legislation with a potential impact on the activities of EU vessels under this Protocol.

5. Any change in legislation affecting the activities of EU vessels in the fishing zone shall be enforceable in respect of EU vessels as from the 60th day following receipt by the EU authorities of the notification from Gabon.

Article 10

Non-discrimination and transparency

1. Under Article 3(1) of the Agreement, the EU fleet shall benefit from technical fishing conditions no less favourable than those applied to other fleets having the same characteristics and fishing for the same species. The Gabonese authorities undertake to ensure that access to the fishing zone is commensurate with the activity

of the EU fishing fleet and that the EU fleet obtains an appropriate share of the fishery resources.

2. The parties undertake to exchange and publish information on any agreement allowing foreign vessels to enter the Gabonese fishing zone and on the resulting fishing effort, in particular the number of authorisations issued and the catches made.

3. The EU undertakes to make aggregated data on the quantities and places of landings of catches made in the Gabonese fishing zone and, as far as possible, the relevant data from observer reports, available to Gabon on a quarterly basis.

Article 11

Data processing and confidentiality

1. The parties undertake to ensure that personal or commercially sensitive data relating to EU vessels and their fishing activities under the Protocol, or commercially sensitive information relating to communication systems used by the EU, are processed in accordance with the principles of confidentiality and data protection, including those established by this Article.

2. The parties shall ensure that only aggregated data on fishing activities in Gabonese waters, including catch and effort data, are made available to the public, in accordance with the relevant provisions of the ICCAT and of other regional fisheries management organisations.

3. The data and information referred to in paragraph 1 shall be used by the competent authorities exclusively for the purpose of implementing the Agreement. The parties may, however, use VMS data in emergency situations, for search and rescue, or for maritime safety purposes.

4. Personal data relating to EU fishing vessels shall not be made public. Personal data shall be processed in an appropriate manner to ensure their protection, including against unauthorised or unlawful processing.

5. Personal data shall not be kept beyond the time necessary for the purpose for which they were exchanged. With regard to personal data transmitted by the EU, appropriate safeguards and legal remedies may be established by the Joint Committee in accordance with the relevant EU legislation on the protection of personal data.

Article 12

Exclusivity

1. Pursuant to Article 6 of the Agreement, EU fishing vessels shall engage in fishing activities in Gabon’s fishing zone only if they have a fishing licence issued in accordance with this Protocol.

2. The authorities of Gabon shall issue fishing licenses to EU vessels exclusively under this Agreement. The issuing of any fishing licence to EU vessels outside the framework of this Protocol, in particular in the form of direct licences, shall be prohibited.

Article 13

Financial contribution

1. For the period referred to in Article 2, the financial contribution referred to in Article 7 of the Agreement shall be EUR 13 million.

2. The European Union's financial contribution shall comprise the following elements:

   (a) compensation for access to the waters and fishery resources of the Gabonese fishing zone, calculated on the basis of an annual reference tonnage of 32 000 tonnes, the annual amount of which shall be EUR 1 600 000;

   (b) support for the implementation of Gabon's sectoral fisheries policy, the annual amount of which is EUR 1 000 000.

In addition, the overall contribution paid by vessel owners is estimated to be at least equivalent to the EU contribution.

3. Paragraph 2 shall apply subject to the provisions of Articles 15, 17, 18, 22 and 23 of this Protocol.

4. If the catches of EU vessels in any year exceed the annual reference tonnage, the compensation referred to in paragraph 2(a) shall be supplemented by the tonnage of catches of that year over and above the reference tonnage multiplied by an amount of EUR 50 per tonne.

Article 14

Payments

1. The EU shall pay the amounts fixed in Article 13(2)(a) no later than 60 days after the start of the provisional application of the Protocol for the first year, and no later than the anniversary date of the provisional application of the Protocol for the following years.

2. Following the validation of catches in accordance with Chapter V of the Annex, the EU shall endeavour to settle within 3 months the amounts due for catches exceeding the reference tonnage in accordance with Article 13(4). If the quantities of catches made by EU vessels are more than twice the total reference tonnage, the amount due in respect of the quantity exceeding that limit shall be paid the following year.

3. Each element of the financial contribution referred to in Article 13 shall be paid into an account of the Gabonese Public Treasury. The contribution for the support referred to in Article 13(2)(b) shall be allocated to the public authorities responsible for implementing Gabon's sectoral fisheries policy. The Gabonese authorities shall communicate the bank details of the account(s) to the EU authorities every year.

PART III: Support for responsible fishing

Article 15

Sectoral support

1. The financial support referred to in Article 13(2)(b) shall contribute to sustainable fisheries development in Gabon. It shall contribute to the implementation of national strategies and policies for the sustainable development of the fisheries and aquaculture sector, in line with the Strategic Plan for an Emerging Gabon 2025 (*Plan stratégique Gabon émergent 2025 - PSGE 2025*) and the EU's development and partnership policy, in particular the multiannual indicative programme for Gabon.

2. Part of this financial support, for an indicative annual amount of EUR 100 000, shall be dedicated specifically to the observation and management of the marine environment, to measures to protect fragile ecosystems contributing to healthy stocks and to the management of marine protected areas.

3. No later than 3 months after the start of the provisional application of this Protocol, the Joint Committee provided for in Article 9 of the Agreement shall adopt a multiannual sectoral programme and rules for implementing it.

4. The programme shall identify the expected contribution of these actions to good ocean governance and the promotion of responsible and sustainable fisheries, in line with Gabon's fisheries development and management plans. It shall define the objectives to be achieved and the actions envisaged, particularly in the following areas:

   (a) fisheries support and management measures, including for small-scale fisheries;

   (b) fisheries monitoring, control and surveillance;

   (c) the fight against illegal, unreported and unregulated (IUU) fishing;

   (d) the development and strengthening of scientific capacities in the field of fisheries and aquaculture;

   (e) the implementation of the actions referred to in paragraph 2.

5. The programme shall set out the planned breakdown of the measures and amounts allocated from the financial contribution referred to in Article 13(2)(b) to the Protocol as a whole and each year in the form of a multiannual and annual programming table.

6. The parties undertake to promote the visibility of EU support and shall provide for specific measures in the programme to publicise the EU contribution to the actions implemented.

7. The programme implementing arrangements shall set out:

   (a) the eligibility criteria for expenditure relating to the actions envisaged;

   (b) the indicators for the annual monitoring and evaluation of the results achieved in relation to the objectives pursued;

   (c) the sources of verification of the information provided.

8. An annual implementation report shall be submitted to the Joint Committee 1 month before it meets, in order to assess the level of attainment of the objectives and the rate of implementation achieved. The Joint Committee shall verify that the measures taken are consistent with the programming and the general objectives and may make recommendations for further implementation.

9. The specific financial contribution referred to in Article 13(2)(b) shall be paid in instalments. For the first year of the Protocol, the payment shall be made after the adoption of the programme by the Joint Committee, as provided for in paragraph 2. For the following instalments, the payments shall be made:

   (a) subject to a 75% or greater rate of implementation of the programme actions planned for the previous tranche. Any uncommitted amounts of a tranche shall be allocated to the following tranche; the total shall be taken into account for the subsequent execution of this tranche;

   (b) after the report referred to in paragraph 7 has been submitted and validated by the Joint Committee.

10. At the end of the multiannual programme period, Gabon shall prepare a final report on the activities carried out and the results obtained. This report shall also indicate any unused surplus amounts of sectoral support and identify the sectors of action in the field of fisheries management for which Gabon undertakes to use any funds available, including after the expiry of the Protocol.

11. Any amendment to the annual and multiannual sectoral programme must be approved by the Joint Committee. The amendments may be approved in the form of an exchange of letters.

12. The EU may revise or suspend all or part of the payments of the financial contribution referred to in Article 13(2)(b):

   (a) if the Joint Committee finds that the results obtained do not correspond to the objectives set by the programming;

   (b) if all or part of the resources from the financial contribution are used for purposes other than those set out in the programming.

13. The payments shall resume after consultation between the parties and validation by the Joint Committee. However, this contribution may not be paid later than 6 months after the date the Protocol expires.

14. The parties shall continue to monitor the sectoral support until the specific financial contribution referred to in Article 13(2)(b) has been used up, if necessary after this Protocol expires.

Article 16

Scientific cooperation to ensure responsible fishing

1. The parties shall promote sustainable management of fishery resources and marine ecosystems, and responsible fishing in Gabonese waters.

2. The parties undertake to cooperate to monitor the state of fishery resources in Gabonese waters, including through the organisation of stock assessment surveys, and to contribute to fisheries management.

3. The parties shall promote scientific cooperation within the ICCAT and shall take account of the scientific advice of other relevant regional organisations. The parties shall consult each other prior to the annual meetings held by these organisations.

4. Where appropriate, the parties shall, pursuant to Article 4(2) of the Agreement, make use of a scientific meeting to examine any scientific matter relating to the implementation of this Protocol and to draw up a scientific opinion, in accordance with the terms of reference established by the Joint Committee and in line with the needs identified.

Article 17

Scientific opinion, revision of access opportunities and conditions for fishing

1. In accordance with the relevant scientific opinions, particularly that delivered by the scientific meeting provided for in Article 16, the Joint Committee may:

   (a) adopt specific measures affecting the activities of EU vessels;

   (b) reassess the access opportunities set out in Article 8 and revise them by means of a duly reasoned decision.

2. The specific measures and the revision of opportunities must contribute to the sustainable management of fishery resources, in line with the best available scientific advice and recommendations and resolutions adopted within the ICCAT or other relevant regional organisations.

Article 18

Exploratory fishing and new fishing opportunities

1. The parties shall encourage exploratory fishing in the Gabonese fishing zone, in particular as regards under-exploited species. At the request of one of the two parties, the Joint Committee shall determine on a case-by-case basis, in a technical file, the species concerned and the appropriate conditions. The Joint Committee shall use the best available scientific advice and, any scientific opinion obtained pursuant to Article 16(4).

2. Authorisations for exploratory fishing are to be granted for a maximum period of 6 months. Vessels engaged in exploratory fishing shall comply with the technical files drawn up by the Joint Committee on the basis of scientific advice, which shall also specify the arrangements for landing and how the catches are to be used. An observer appointed by the Gabonese authorities and, where appropriate, a scientific observer from the flag State shall be present on board throughout the duration of the trip. The observation data collected shall be transmitted for analysis and scientific advice in accordance with the provisions of Article 16.

3. The scientific meeting shall submit its opinion on the results of the exploratory surveys to the Joint Committee, which shall decide whether it is appropriate to introduce fishing opportunities for new species for the time remaining until the Protocol expires.

PART IV: Provisions governing the institutions

Article 19

Functioning and prerogatives of the Joint Committee

1. The Joint Committee set up by Article 9 of the Agreement shall exercise its functions in accordance with the objectives of the Agreement.

2. The first meeting of the Joint Committee shall be held no later than 3 months after the date of the start of the provisional application of this Protocol.

3. An extraordinary meeting of the Joint Committee shall be held at the request of either party within 1 month of the request.

4. The Joint Committee may deliberate and take decisions by exchange of letters.

5. The Joint Committee may approve amendments to this protocol concerning:

   (a) the fishing opportunities under Articles 8 and 18(3) of this Protocol and, consequently, the financial contribution referred to in Article 13(2)(a) of this Protocol;

   (b) the detailed rules for implementing the sectoral support referred to in Article 15 of this Protocol;

   (c) the technical conditions and arrangements under which EU vessels may carry out their fishing activities.

6. Such amendments to the Protocol shall be recorded in minutes signed by the parties which shall specify the date on which such amendments become enforceable.

Article 20

Electronic exchange of information

1. The parties 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 this Protocol.

2. The arrangements for the implementation and use of these systems to exchange catch data, catch declarations on entry and exit (ERS) and vessel positions (VMS) and to obtain licences are set out in the Annex and the Appendices thereto.

3. The electronic form of a document shall be considered equivalent to the paper version in every respect. In case of discrepancies, the parties shall consult each other with a view to identifying the authentic version.

4. The parties shall inform each other without delay of any computer malfunction. The information and documents relating to the implementation of this Protocol shall then be exchanged in accordance with alternative arrangements agreed between the parties.

Part V Final provisions

Article 21

Dispute resolution

Any dispute concerning the application and interpretation of the Agreement and this Protocol shall be settled amicably by the parties within the Joint Committee.

Article 22

Suspension

1. The implementation of this Protocol may be suspended at the initiative of one of the parties if one or more of the following conditions apply:

   (a) one of the parties finds that there has been a breach of the instruments and principles set out in Article 5;

   (b) unusual circumstances, as defined in Article 2(h) of the Agreement, preventing fishing activities in the Gabonese fishing zone;

   (c) significant changes in the policy guidelines of one or other of the parties affecting the provisions of this Protocol;

   (d) failure by either party to comply with the provisions of this Protocol;

   (e) non-payment of the financial contribution provided for in Article 13(2)(a) by the EU, for reasons other than those provided for in Articles 17 and 18 of this Protocol;

   (f) a serious and unresolved dispute between the parties on the interpretation of this Protocol.

2. In such cases, the parties shall enter into consultation for as long as necessary with a view to reaching an amicable settlement. If no settlement is reached, the suspension of the application of the Protocol shall be notified to the other party in writing and shall take effect after a period of 1 month from the date of notification.

3. In the event of effective suspension, EU vessels must leave the Gabonese fishing zone within 24 hours.

4. The amount of the financial contribution referred to in Article 13(2)(a) of the Protocol shall be reduced in proportion to the period during which the application of this Protocol was suspended.

5. In the event of effective suspension, the parties shall continue to consult with a view to finding an amicable settlement to their dispute. If a settlement is reached, the application of the Protocol shall resume and any compensation shall be examined by the Joint Committee.

Article 23

Termination

1. This Protocol may be terminated at the initiative of either one of the parties under the conditions established to in Article 13(1) of the Agreement. The party concerned shall notify the other party in writing of its intention to terminate the Protocol. The other party shall acknowledge receipt in writing without delay.

2. Notification shall open consultations between the parties. If the consultations are not successful within 2 months of the acknowledgement of receipt, the termination shall take effect.

Article 24

Provisional application

This Protocol shall apply provisionally from the date of signature by the parties.

Article 25

Continuation of the partnership

The parties shall consult each other at least 6 months before the expiry of this Protocol with a view to its renewal.

Article 26

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.

ANNEX

CONDITIONS GOVERNING FISHING ACTIVITIES BY EU VESSELS IN THE GABONESE FISHING ZONE

CHAPTER 1

GENERAL PROVISIONS

1. DESIGNATION OF THE COMPETENT AUTHORITY

1.1. For the purposes of this Annex and unless otherwise specified, any reference to the EU or to Gabon as a competent authority shall mean:

– For the EU: the European Commission, where applicable through the EU delegation to Gabon;

– for Gabon: the Ministry responsible for fisheries, through the Directorate-General for Fisheries and Aquaculture (*Direction Générale des Pêches et de l'Aquaculture - DGPA*).

1.2. The contact details are set out in Appendix 3. The parties shall notify each other immediately of any changes in the contact details.

2. GABONESE FISHING ZONE — ZONES CLOSED TO NAVIGATION AND FISHING

2.1. The coordinates of the fishing zone covered by the Protocol are set out in Appendix 1. Before the start of the Protocol's provisional application, Gabon shall inform the EU of the geographical coordinates of the baselines of its fishing zone and of all zones which are closed to navigation and fishing.

2.2. EU vessels may not engage in fishing activities within a band of 12 nautical miles from the baselines.

2.3. Marine protected areas and fish breeding areas as defined by national legislation shall be closed to fishing where this is provided for in the legislation or development plans for those areas.

2.4. Oil exploitation areas shall also be closed to navigation. Moreover, oil exploration areas shall be closed to fishing activities during prospecting periods.

2.5. Gabon shall notify the EU of any change in the zones closed to navigation or fishing at least 2 months before its entry into force.

3. ACTIVITIES OF SUPPORT VESSELS

3.1. Support vessels may carry out support activities for EU vessels provided that they have been authorised by Gabon. The total number of support vessels must be in line with the commitments made by the parties under the relevant ICCAT recommendations and the overall limit that applies to the EU fleet as a whole in accordance with the national legislation. The authorisation procedure shall be that laid down in paragraph 8 of Chapter II of this Annex.

3.2. The application for authorisation for a support vessel shall identify the seiners to which it will provide support. In the Gabonese fishing zone, a support vessel may only intervene for the benefit of Union vessels operating under this Protocol.

3.3. The use of air support means for tracking purposes shall be prohibited.

4. APPOINTMENT OF A LOCAL AGENT

Any EU vessel which plans to land in a Gabonese port must be represented by an agent resident in Gabon.

5. BANK ACCOUNT FOR PAYMENTS BY VESSEL OWNERS

5.1. Before the start of the Protocol's provisional application, Gabon shall send the EU the details of the Gabonese Public Treasury account(s) into which the financial sums payable by EU vessels under the Agreement are to be paid. It shall notify any changes immediately.

5.2. The associated bank transfer costs shall be borne by the vessel owners.

CHAPTER II

FISHING LICENSES

1. CONDITIONS FOR OBTAINING A FISHING LICENCE – ELIGIBLE VESSELS

Fishing licences shall be issued on condition that:

1.1. the vessel is entered in the EU fishing vessel register and is on the ICCAT list of authorised fishing vessels;

1.2. all prior obligations of the vessel owner or master, or with respect to the vessel itself, arising from fishing activities in Gabon under the Agreement, have been met.

2. LICENCE APPLICATION

2.1. The EU shall submit, by electronic means, to the competent Gabonese authority an application for a licence for each eligible applicant vessel at least 21 working days before the start of the requested period of validity, consisting of:

(a) the filled-in form in Appendix 4;

(b) proof of payment of the fee referred to in paragraph 3.3 for the requested period of validity of the licence and of the costs of observers referred to in paragraph 3 of Chapter XI;

(c) a recent digital colour photograph, with appropriate graphic resolution, of the vessel viewed from the side;

(d) a diagram of the vessel including the vessel's fish hold plan;

(e) a copy of the International Tonnage Certificate establishing the tonnage of the vessel in GT.

2.2. For the renewal of a fishing licence under the Protocol in force, for a vessel whose technical specifications have not been modified, the EU application form and proof of payment of the fee and the costs of observers shall be sufficient.

3. FEES

3.1. The amount of the fees shall include all national and local charges, except for port charges (including customs, sanitation and port administration) and service charges.

3.2. The amount of the fee per tonne fished in the Gabonese fishing zone applicable to tuna seiners and pole-and-line vessels shall be:

– EUR 75 for the first period of application from the date of signature to 31 December 2021;

– EUR 80 for the remaining duration of the Protocol

3.3. The licences shall be issued after payment to the Gabonese authorities of an annual flat-rate fee of:

(a) for the first period of application from the date of signature to 31 December 2021:

– for tuna seiners: EUR 33 750 per year per vessel, corresponding to the fee due for 450 tonnes;

– for pole-and-line tuna vessels: EUR 2 400 per year per vessel, corresponding to the fee due for 32 tonnes;

(b) for the remaining duration of the Protocol:

– for tuna seiners: EUR 36 000 per year per vessel, corresponding to the fee due for 450 tonnes;

– for pole-and-line tuna vessels: EUR 2 560 per year per vessel, corresponding to the fee due for 32 tonnes.

3.4. Licences shall be issued for a specific vessel and shall not be transferable.

3.5. If the annual statement of the total amount due for a vessel exceeds the amount paid as the annual flat-rate advance for that vessel, the vessel owner shall pay the balance under the conditions laid down in Chapter V. If the annual statement of the total amount due for a vessel is less than the amount paid as the annual flat-rate advance for that vessel, the corresponding remaining amount is not recoverable.

4. LIST OF VESSELS AUTHORISED TO FISH

4.1. Once the licence applications have been accepted, Gabon shall draw up a list of eligible fishing vessels. This list shall be sent immediately in electronic format to the Gabonese authority responsible for supervising fishing and to the EU.

4.2. The EU shall transmit the list to the flag Member States. If the EU offices are closed, Gabon may send the list directly to the vessel owner or their agent, by electronic means, with a copy to the EU.

4.3. The EU vessels on that list may begin fishing activities as soon as it has been transmitted in accordance with the arrangements laid down in the preceding paragraphs.

4.4. The list shall be updated regularly and other foreign vessels shall also be included in the list in accordance with Article 10 of the Protocol.

5. ISSUE OF THE LICENCE — TRANSMISSION ARRANGEMENTS

5.1. Gabon shall issue the licence within 21 days of receiving the full application file.

5.2. The original licences shall be transmitted to the EU, which shall deliver them to the vessel owner or their agent. If the EU offices are closed, Gabon may send the licence directly to the vessel owner or their agent, and inform the EU thereof.

5.3. At the same time, a scanned copy of the original licences shall be transmitted electronically to the EU, which shall send it to the vessel owner or their agent.

5.4. The parties may agree to full digitalisation of fishing licences, based on detailed rules laid down in the Joint Committee.

6. LICENCE VALIDITY PERIOD

In accordance with Gabonese legislation, the fishing licences are allocated for a calendar year.

7. DOCUMENTS TO BE KEPT ON BOARD

7.1. Except in the case of full digitalisation of licences, the original licence or, failing that and only for a period limited to 45 days after the issue of the licence, a copy of that licence, shall be kept on board the vessel at all times. However, the vessels shall be authorised to fish as soon as they are included in the list of authorised vessels referred to in paragraph 4 above. These vessels shall keep on board at all times a copy of the list or a copy of the licence until they can keep the original of their licence on board.

7.2. The layout plan, including the layout of the vessel's holds, must be kept on board the vessel at all times.

7.3. The documents referred to in paragraphs 1 and 2 shall be made available to Gabon's authorised inspectors in the event of an inspection.

8. SUPPORT VESSEL AUTHORISATIONS

8.1. Paragraphs 1 to 7 shall apply to applications for authorisation for support vessels and to their obligations. However, the support vessel shall not have to be entered in the EU fishing vessel register.

8.2. The flat-rate fee to be paid shall be EUR 7 500 per year per vessel. This fee does not cover any catch tonnage.

8.3. These provisions shall apply without prejudice to the provisions relating to support vessels flying a third country flag authorised by Gabon in accordance with its legislation.

9. IMPLEMENTATION OF AN AUTOMATED ELECTRONIC LICENCE MANAGEMENT SYSTEM

9.1. The electronic transmission of licence applications and their issue shall be made via the LICENCE system made available by the European Commission.

9.2. On a transitional basis until the LICENCE system is implemented by the parties, the electronic exchanges are via e-mail.

CHAPTER III

TECHNICAL MEASURES

1. The technical measures applicable to the fishing activities of EU vessels are set out in the technical sheet in Appendix 2.

2. The vessels shall comply with the relevant ICCAT recommendations.

3. FAD-RELATED MEASURES

3.1. The EU vessels shall ensure that the limit per seiner of 125 active FADs, with operational buoys, is applied at all times in the Gabonese fishing zone. By 1 March every year, the owners of EU vessels shall provide the Gabonese authorities with a list of the active FADs in the Gabonese fishing zone, in accordance with paragraph 38 of ICCAT Recommendation 19-02.

3.2. The fishing or support vessels authorised in the Gabonese fishing zone shall comply with the relevant ICCAT recommendations. In particular, in order to limit their impact on the ecosystems and reduce the amount of synthetic marine litter, the FADs

shall be constructed with non-entangling, natural or biodegradable non-plastic materials, with the exception of the beacons.

3.3. All the FADs used by each EU vessel shall be marked as required by the ICCAT.

3.4. FAD logbook

(a) In accordance with ICCAT rules, masters of tuna seiner vessels or support vessels shall keep up to date an FAD logbook, a specimen of which is set out in Appendix 5.

(b) The master shall complete the FAD logbook for each day the vessel is present in the Gabonese fishing zone.

(c) Every day the master shall record each FAD activity in the FAD logbook, specifying the FAD identification code and the type of FAD.

(d) The FAD logbook shall be completed legibly, in block capitals, and shall be signed by the master. The vessel owner shall be responsible for the accuracy of the data recorded in the FAD logbook.

(e) No later than 30 days after leaving the Gabonese fishing zone, the master of the vessel shall transmit the FAD logbook covering the days it was present in that area, in accordance with the guidelines for the transmission of data and the information required by the ICCAT. This information shall be sent to the Gabonese FMC, the contact details for which are given in Appendix 3.

3.5. Gabon shall communicate to the EU and the vessel owners the zones and periods of seismic surveys carried out in the Gabonese fishing zone and the updated contact details of the companies operating there 1 month before the record-keeping starts. The vessel owners shall instruct their telecommunications operators to provide real-time positions of FADs equipped with beacons within the relevant areas for the periods specified to the companies indicated. Gabon shall check that EU vessels transmit this information and, if they fail to do so, shall impose the appropriate penalties in accordance with the rules in force.

3.6. Gabon may exceptionally and temporarily authorise the intervention of EU support vessels in areas of oil exploration and exploitation, as well as in territorial waters, solely for the purpose of removing FADs present in those areas. To this end, the master of the support vessel shall request authorisation from the Gabonese authorities by e-mail 48 hours in advance, indicating:

– the area of intervention;

– the number of FADs to be recovered;

– the time and point of entry into the area of intervention;

– the estimated time and point of exit from the area of intervention.

The Gabonese authorities shall reply no later than 3 hours before the scheduled time of entry. The absence of a reply shall be understood as acceptance.

3.7. The EU vessels authorised to fish in the Gabonese fishing zone shall make every effort to recover their FADs present in Gabonese waters by no later than 31 December each year throughout the duration of this Protocol.

4. MEASURES TO LIMIT IMPACT ON SENSITIVE SPECIES

The operators shall endeavour to reduce the impact of fishing on protected species of seabirds, sea turtles, sharks and marine mammals by applying proven technical measures adapted to the Gabonese fishing environment, increasing the selectivity of fishing gear, limiting incidental catches and optimising the survival of individuals caught.

CHAPTER IV

CATCH MONITORING AND REPORTING

SECTION 1 RECORDING AND REPORTING OF CATCHES UNTIL THE ERS IS USED

1. EU vessels authorised to fish in the Gabon fishing zone under the Agreement shall communicate their catches daily to the competent Gabon authorities in the following manner, until such time as the Electronic Recording and Reporting System (ERS) is implemented by both parties:

2. The master shall fill in a catch declaration form every day in accordance with the ICCAT resolutions, for each haul of each fishing trip in that area. The form shall be filled in legibly and signed by the master of the vessel, even in the absence of catches.

3. Catches shall be reported in the format set out in Appendix 6. Any update of the form shall be endorsed by the Joint Committee.

4. The EU vessels shall send this completed form to the Gabonese authorities, preferably by providing an extract from the electronic logbook, as specified below:

   – daily, before the end of each day they are present in the Gabonese fishing zone;

   – within 24 hours of their arrival in port, if they call at the port of Owendo or of Port-Gentil;

   – within 24 hours of leaving Gabonese waters if they do not call at the port of Owendo or of Port-Gentil.

5. After leaving the fishing zone a copy of the catch declaration form shall also be sent to the scientific institutes concerned, namely: the National Centre for Scientific and Technological Research (CENAREST) of Gabon, as well as the Research Institute for Development (IRD) or the Spanish Institute of Oceanography (IEO).

SECTION 2 ELECTRONIC FISHING LOGBOOK — ERS RECORDING AND REPORTING

1. GENERAL PROVISIONS

1.1. The master of an EU vessel carrying out fishing activities under this Protocol shall keep an electronic fishing logbook integrated into an electronic recording and reporting system (ERS).

1.2. Once the system is operational, vessels not equipped with an ERS shall not be authorised to enter Gabon's fishing zone in order to engage in fishing activities.

1.3. The master shall be responsible for the accuracy of the data recorded in the electronic fishing logbook. The fishing logbook shall comply with the relevant ICCAT resolutions and recommendations and shall be transmitted in accordance with the UN/FLUX standard referred to in Appendix 7.

1.4. The flag State and Gabon shall ensure that they have the necessary IT equipment and software to automatically transmit ERS data.

1.5. The flag State shall ensure that the data are received and recorded in a computer database enabling the data to be stored securely for at least 36 months.

1.6. The flag State's FMC shall ensure that fishing logbooks are automatically made available through the ERS to Gabon'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.

2. ELECTRONIC LOGBOOK DATA

2.1. Every day, the master shall record the estimated quantities of each species caught and kept on board, or thrown back into the sea, for each fishing operation. The recording of the estimated quantities of a species caught or discarded shall be made regardless of weight.

2.2. If the vessel is present in the fishing zone but does not carry out any fishing, the position of the vessel at noon shall be recorded.

2.3. The fishing logbook data shall be transmitted automatically and on a daily basis to the Fisheries Monitoring Centre (FMC) of the flag State. The information shall include at least the following:

(a) the IMO or CFR identification numbers and the name of the vessel;

(b) a unique fishing trip identification number;

(c) the FAO 3-alpha code of each species;

(d) the relevant geographical area in which the catches were made;

(e) the date and time of the catches;

(f) the date and time of departure from and arrival at the port;

(g) the type of gear and technical specifications;

(h) the estimated quantities of each species kept on board, in kilograms live weight or, where appropriate, the number of individual fish; and

(i) the estimated quantities of each species discarded, in kilograms live weight or, where appropriate, the number of individual fish.

3. TECHNICAL BREAKDOWN OR FAILURE AFFECTING THE VESSEL'S ON-BOARD RECORDING AND TRANSMISSION OF ELECTRONIC REPORTS

3.1. The flag State's and Gabon's FMCs shall inform each other immediately of any event likely to affect the transmission of ERS data from one or more vessels.

3.2. If Gabon's FMC does not receive the data to be transmitted by a vessel, it shall notify this to the flag State's FMC immediately. The flag State's FMC shall promptly investigate the reasons for this non-receipt of ERS data and inform Gabon's FMC of the result of its investigation.

3.3. Where a failure occurs in the transmission between the vessel and the flag State's FMC, the latter shall notify this immediately to the master or the operator of the vessel or, if they cannot be reached, 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 23.59.

3.4. 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 10 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 Gabonese port within 24 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.

3.5. If the non- receipt of the ERS data by Gabon is caused by the failure of the electronic systems under the supervision of the EU or Gabon, 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.

3.6. Every 24 hours the flag State's FMC shall send Gabon's FMC all ERS data received by the flag State since the last transmission, using any electronic means of communication available. The same procedure may be applied at the request of Gabon in the case of maintenance operations lasting more than24 hours and affecting the systems under the supervision of the EU. Gabon 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 paragraph 1.5.

3.7. The flag State and Gabon shall each designate an ERS correspondent who shall act as the contact point for matters relating to the implementation of these provisions, notify each other of the contact details of their ERS correspondents and, where appropriate, update this information without delay.

SECTION 3 AGGREGATE CATCH DATA

1. Before the end of each quarter, the EU shall provide the Gabonese authorities with the aggregated data referred to in Article 10(3) of this Protocol for the previous quarters of the current year, indicating the quantities of catches per vessel, per month of catch, and per species, extracted from its database, along with the places of landings. These data shall be provisional and expandable, taking into account, where appropriate, the observer data provided on an annual basis.

2. Gabon shall analyse these aggregated data and report any major inconsistencies with the fishing logbook data received. The flag States shall conduct investigations and update data as necessary. Cases of persistent inconsistencies between data sources shall be submitted to the Joint Committee with a view to finding a solution.

CHAPTER V

CALCULATION AND PAYMENT OF CATCH-RELATED FEES AND CONTRIBUTIONS

1. By 20 February each year at the latest, the European Union shall provide aggregated data indicating the quantities per vessel per month and per species of catches made in the Gabonese fishing zone during the previous calendar year, together with a calculation of the fees due for each vessel.

2. Gabon shall have until 15 March to contest the data provided, on the basis of supporting evidence. Following that contestation, the parties shall have 1 month to agree on the data. If no agreement is reached, the parties shall consult each other by post or videoconference as soon as possible, where appropriate within the Joint Committee.

3. The EU shall immediately communicate the accounts validated by both parties to the vessel owners so they can make the payment for the remaining catches within 30 days, into the bank account for the payment of fees. Gabon shall monitor these payments and notify the EU of any delays or incomplete payments. At the same time, the EU shall ensure that payments are made within the time limit set.

4. The validated statements shall be used to calculate the amount to be paid by the EU for any additional catches exceeding the reference tonnage for a full year, as provided for in Articles 13 and 14 of the Protocol.

CHAPTER VI

TRANSSHIPMENTS AND LANDINGS IN GABON

1. FISHERIES SECTOR DEVELOPMENT OBJECTIVES – INCENTIVES

The parties shall encourage economic cooperation in the fishing and processing industry in order to boost investments, resource valorisation, job creation and a proper balance between supply and demand in line with Gabon's policy of industrialising its fisheries sector. Incentives shall be given to vessels in this context. More specifically, Gabon has set itself the long-term objective of transhipping or landing all the products caught in its waters.

2. MARKET SUPPLY OBJECTIVE

2.1. In order to meet market needs and contribute to food security, before the start of the fishing season the Gabonese authorities shall provide the EU with an estimate of the desirable quantities of fishery products for transhipment or landing, hereby giving priority to the supply needs of the local processing industries. The EU shall transmit this information to operators in the Gabonese fishing zone via the Member States. The operators shall inform the Gabonese authorities of their availability to meet these requirements, with a minimum of 30% of the catches to be transhipped in a Gabonese port, provided that the financial and commercial conditions of the market are met and in full compliance with commercial negotiations between operators and under the conditions agreed between them.

2.2. Each vessel that tranships in a Gabonese port shall undertake to land 100% of the by-catch kept on board at the time of transhipment, provided that the financial and commercial conditions of the market are met and in full compliance with commercial negotiations between operators and under the conditions agreed between them.

3. PROCEDURE FOR LANDING AND TRANSHIPMENT

3.1. The vessel master or their representative shall notify the competent authority of the vessel's entry into port at least 48 hours in advance, indicating:

(a) the name of the vessel;

(b) the port of landing or transhipment;

(c) the name of the cargo vessel receiving the transhipped products, where applicable;

(d) the destination of the transhipped or landed catches;

(e) the expected date and time of entry into port, of transhipment or of landing;

(f) the quantity, expressed in kilograms of live weight and, where appropriate, in number of individual fish, of each species kept on board, transhipped or landed. Each species must be identified by its FAO 3 alpha code.

3.2. The landing or transhipment operation must be carried out in or off one of the authorised ports. The authorised ports are Owendo and Port-Gentil.

3.3. Transhipment at sea shall be prohibited.

3.4. The catches transhipped shall be exempt from customs duties or charges having equivalent effect in accordance with the national legislation on the transit of goods.

CHAPTER VII

CONTROL

1. ENTERING AND EXITING THE FISHING ZONE

1.1. Any entry into or exit from the Gabonese fishing zone by an EU vessel holding a licence issued under this Protocol shall be notified to Gabon no later than 3 hours before entering or exiting, using the model provided in Appendix 8.

1.2. The notification shall be made through the ERS or, failing that, by e-mail to the e-mail addresses listed in Appendix 3. Gabon shall immediately notify the vessels concerned and the EU of any change to the e-mail address used for the entry and exit notifications.

1.3. In addition, the first and last VMS positions of a vessel crossing the limit of the fishing zone shall be transmitted to the Gabonese FMC on its entry and exit.

1.4. Any vessel found to be fishing in the Gabonese fishing zone without having previously notified its presence shall be considered to be a vessel fishing illegally.

2. INSPECTIONS AT SEA OR IN PORT

2.1. The inspection of EU vessels holding a licence issued under this Protocol in waters under Gabonese jurisdiction shall be carried out by inspectors and vessels authorised by Gabon and clearly identified as being assigned to carry out fishing checks.

2.2. Inspections in port of EU vessels shall be carried out only by government surveillance teams duly authorised by Gabon and clearly identifiable as being assigned to carry out fishing checks.

2.3. Before going on board, the Gabonese surveillance team shall inform the EU vessel of their decision to carry out an inspection. Each surveillance team shall be made up of a maximum of four surveillance officers from the DGPA and six surveillance officers from the National Navy. Where appropriate, a maximum of two mandated observers may be present during the inspection. The observers shall not be directly involved in the inspection activities. They shall refrain from any action that could harm the ship or the crew or interfere with their activities. They shall be under the constant supervision of the Head of the inspection mission and subject to their authority.

2.4. The surveillance officers shall only stay on board the EU vessel for the time necessary to carry out tasks linked to the inspection. They shall carry out this inspection in a way which minimises the impact on the vessel, its fishing activity and cargo.

2.5. Images (photos or videos) made during the inspection shall be reserved for the authorities responsible for fisheries control and surveillance. They must not be made public unless the Gabonese legislation provides otherwise.

2.6. Gabon may authorise the EU to participate in the inspection at sea as an observer.

2.7. The master of the EU vessel shall allow the surveillance team to come on board and carry out their work.

2.8. At the end of each inspection, the surveillance team shall draw up an inspection sheet. This sheet shall be signed by the master, who shall have the right to add comments to it.

2.9. The signature of this sheet by the master is merely an acknowledgement of receipt of this document and does not affect the vessel owner's right of defence in the event of an infringement. If the master refuses to sign the document, they shall specify their reasons for refusing in writing, and the head of the surveillance team shall write 'Refused to sign' on it. The surveillance team shall give the master a copy of the inspection sheet before leaving the vessel. Gabon shall also send a copy of this sheet to the European Union within 48 hours of the completion of the inspection.

2.10. In the event of an infringement, Gabon shall send a copy of the statement to the EU within 15 working days of the inspection. Any finding of an infringement of the legislation applicable in Gabon must be made by a fisheries surveillance officer in accordance with the procedures applicable in Gabon.

3. PARTICIPATORY MONITORING IN THE FIGHT AGAINST IUU FISHING

3.1. In order to strengthen the fight against IUU fishing, EU fishing and support vessels shall report the presence in the Gabonese fishing zone of any vessel not included in the list of vessels authorised to fish in Gabon referred to in paragraph 4 of Chapter II.

3.2. Where the master of an EU fishing vessel sights a fishing vessel or a support vessel engaged in activities that may constitute IUU fishing, they shall seek as much information as possible and immediately draw up a report. This sighting report shall be sent without delay to the Fisheries Monitoring Centres of its flag State and of Gabon. The competent authorities of the flag State shall immediately send a copy to the European Commission.

3.3. Gabon shall send to the EU any sighting reports it has on fishing or support vessels flying any flag other than its own engaged in activities which may constitute IUU fishing in its fishing zone.

CHAPTER VIII

SATELLITE-BASED VESSEL MONITORING SYSTEM (VMS)

1. GENERAL PROVISIONS

1.1. When located in Gabonese waters, EU vessels holding a licence issued under this Protocol shall be equipped with a satellite-tracking device which ensures the automatic transmission of position messages to the Fisheries Monitoring Centre (FMC) of their flag State:

(a) electronically using a secure data exchange protocol;

(b) with a frequency of 1 hour or less while present in the fishing zone;

(c) in the format indicated in Appendix 9.

1.2. The FMC of the flag State shall ensure the automatic processing of these data, which it shall record by electronic means and store securely in a computer database, for at least 36 months.

1.3. The master of an EU fishing or support vessel shall ensure that the satellite-tracking device installed on board their vessel is fully operational at all times and shall ensure the effective transmission of the data referred to in paragraph 1 to the FMC of their flag State.

1.4. The master shall be considered responsible for any proven tampering with the satellite-tracking device aimed at disturbing its operation or falsifying its position messages.

1.5. Failure to comply with the provisions on satellite tracking of vessels shall be regarded as an infringement and subject to the penalties provided for in Gabonese legislation.

2. VMS DATA

Each position message shall contain:

(a) the vessel identification;

(b) the most recent geographical position of the vessel (expressed in latitude and longitude), with a margin of error of less than 500 metres and a confidence interval of 99%;

(c) the date and time (expressed in Universal Time Coordinated (UTC)) when this position was determined;

(d) the instant speed and course of the vessel.

3. COMMUNICATION TO GABON OF POSITION MESSAGES

3.1. The FMC of the flag State shall automatically and immediately transmit the position messages received to the Gabonese FMC. However, any vessel operating in the Gabonese fishing zone must be visible on the VMS system from the time of its entry and until its actual exit from that zone, or until it arrives in a Gabonese port.

3.2. ERS data shall be transmitted using the electronic means of communication operated by the European Commission for exchanging fisheries data in a standardised form.

3.3. The EU shall be informed of any malfunction in the communication and reception of position messages in order to find a technical solution as soon as possible. The Joint Committee shall deal with any disputes that arise.

3.4. The FMCs of the flag State and Gabon, as well as the European Union, shall exchange their contact e-mail addresses and shall inform each other of any changes to these addresses that are used in the event of a malfunction or anomaly in the transmission of the data.

4. MALFUNCTION OF THE SATELLITE MONITORING SYSTEM

4.1. The Gabonese FMC shall immediately inform the FMC of the flag State if it detects an interruption in the receipt of position messages transmitted by a vessel whose last position message situated it in Gabonese waters. The FMC of the flag State shall immediately investigate the reasons for this interruption, if necessary in exchanges with the European Union, and shall inform the Gabonese FMC within 24 hours of the outcome of this investigation.

4.2. In the event of a malfunction of the satellite tracking system on board the vessel, the master of the vessel shall communicate its positions to the flag State and to the Gabonese FMC by any other means. The FMC of the flag State shall immediately record these manual messages in the computer database referred to in paragraph 1.2

and retransmit them to the Gabonese FMC, under the same provisions as for automatic positions. This communication shall start as soon as the master of the vessel detects or is informed of the malfunction of the satellite-tracking device. The provisions on entry and exit procedures shall apply in this case.

4.3. If the system is not repaired within 10 days, the flag State shall notify the vessel of its obligation to leave the Gabonese fishing zone. The vessel shall then leave Gabonese waters or may go to a Gabonese port to carry out repairs.

4.4. If the non-receipt of the ERS data by Gabon is caused by the failure of the electronic systems under the supervision of the EU or Gabon, the party concerned shall take prompt action to resolve the problem rapidly. The other party shall be notified once the problem has been resolved. The data not received by the Gabonese FMC shall be provided to it as soon as the problem is resolved. Should the malfunction affect the electronic systems under the control of the EU, the FMC of the flag State shall communicate to the Gabonese FMC every 24 hours, by e-mail, all position messages received.

4.5. The Gabonese authorities shall inform their competent monitoring services (CMS) so that EU vessels are not considered non-compliant because of a failure to transmit ERS data.

CHAPTER IX

INFRINGEMENTS

1. DETECTION AND HANDLING OF INFRINGEMENTS

1.1. Any infringement detected by a duly authorised surveillance officer shall be recorded in a statement drawn up by the latter.

1.2. The statement of infringement may include elements other than those from the inspection at sea or in port that constitute a body of evidence, such as VMS position reports, aerial or satellite photos, elements from participatory surveillance or electronic surveillance, or observer reports.

1.3. A copy of the statement of infringement shall be sent to the EU and the flag State within 48 hours of its notification to the offender.

2. DETENTION OF VESSELS – INFORMATION MEETING

2.1. Under Gabonese legislation, any EU vessel having committed an infringement may be forced to interrupt its fishing activity and, where the vessel is at sea, to return to a Gabonese port or to temporarily exit the Gabonese fishing zone.

2.2. Gabon shall notify the EU within 24 hours of any interruption of the activities of a licence-holding EU fishing vessel. That notification shall provide the reasons for detaining the vessel.

2.3. Before taking any measure against the vessel, the master, the crew or the cargo, with the exception of measures aimed at protecting evidence, Gabon shall organise, at the request of the EU, within 3 working days of notification of the interruption of the vessel's activities, an information meeting to clarify the facts which have led to this interruption 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 – SETTLEMENT PROCEDURE

3.1. The penalty for the infringement shall be set by Gabon according to the provisions of the national legislation.

3.2. Any offence other than a criminal offence may give rise to a settlement procedure being launched under Gabonese law. The vessel owner's representatives shall take part in that procedure. The settlement procedure shall finish at the latest 15 working days after notice is given of the vessel's detention.

3.3. Gabon shall inform the EU of the outcome of the settlement procedure within 48 hours.

4. LEGAL PROCEEDINGS – BANK GUARANTEE

4.1. If the settlement procedure fails, the Gabonese courts have jurisdiction to hear the dispute. The owner of the vessel which committed the infringement shall deposit a bank guarantee at a bank designated by Gabon, the amount of which, as set by Gabon, shall cover the costs linked to the detention of the vessel, the estimated fine and any compensation. The bank guarantee may not be recovered until the legal proceedings have been concluded.

4.2. The bank guarantee shall be released and returned to the vessel owner immediately after the judgment has been given:

(a) in full, if no penalty is imposed, without prejudice to the vessel detention costs;

(b) for the amount of the remaining balance, if the penalty is a fine which is lower than the amount of the bank guarantee.

4.3. Gabon shall inform the EU of the outcome of the legal proceedings within 8 days of the judgement 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 has been paid in a settlement procedure, or once the bank guarantee has been deposited in accordance with Gabonese legislation. To this end, the Gabonese authorities shall issue a certificate of discharge covering the vessel and its crew.

CHAPTER X

SIGNING-ON OF SAILORS

1. During their fishing activity in the Gabonese fishing zone, EU seiners shall sign on Gabonese sailors within the following limits:

– for the first year of application of this Protocol, a total of six sailors for the entire fleet,

– for the second year of application of this Protocol, a total of eight sailors,

– for subsequent years, a total of ten sailors per year.

2. To this end, Gabon shall send the EU, before the application of this Protocol and then in January each year, a list of suitable and qualified sailors, updated as necessary, drawn up on the basis of the qualification criteria and conditions set out in Appendix 10. The availability of such a list shall be a condition for the application of paragraph 1.

3. The vessel owners, or their representatives, shall recruit the sailors from among those on this list and shall offer them a contract. A copy of the contract shall be given to

the signatories. These contracts may be concluded between vessel owners and private recruitment and placement agencies for fishermen approved by Gabon or by a State that has ratified ILO Work in Fishing Convention No 188.

4. The sailors' employment contract shall be signed between the vessel owner or their representative and the sailor. This contract shall guarantee the sailor the social security cover applicable to them, including life assurance and sickness and accident insurance. It must comply with the conditions laid down in Annex II to the ILO Work in Fishing Convention No 188.

5. The International Labour Organisation (ILO) Declaration on Fundamental Principles and Rights at Work shall apply as of right to sailors signed on by EU vessels. This concerns in particular freedom of association, effective recognition of the right to collective bargaining, and elimination of discrimination in respect of employment and occupation.

6. The sailors' salary shall be paid by the vessel owners. It shall be fixed, before signing-on, by mutual agreement between the vessel owners and the sailors or their respective representatives and shall be paid regularly. However, the terms of remuneration of the sailors may not be lower than those applicable under Gabonese law and in any case not less than the minimum monthly salary for a qualified sailor established by the Subcommittee on Wages of Seafarers of the Joint Maritime Commission of the ILO.

7. The costs of taking Gabonese sailors aboard and putting them ashore and of repatriating them, between the port of boarding and landing and their usual place of residence, shall be borne by the vessel owner.

8. The vessel owner or their representative shall inform the competent Gabonese authorities of the names of the local sailors taken on board the vessel concerned, mentioning their position in the crew.

9. If, for duly justified exceptional reasons, the vessel owner is unable to find a sailor with the required qualifications, they shall be exempt from this obligation.

10. All sailors employed aboard EU vessels shall report to the master of the designated vessel on the day before their proposed signing-on date. Failing that, the vessel owner shall be automatically relieved of their obligation to take the sailor on board.

11. If the EU vessels are not able to sign on the number of Gabonese sailors provided for in point 1, they shall pay a flat-rate amount of EUR 25 per sailor not signed on for each day the vessel is present in the Gabonese fishing zone. The Joint Committee shall conduct an annual review of the signing-on of Gabonese sailors . On the basis of this review, the payments due shall be made within 3 months of the Joint Committee meeting.

CHAPTER XI

OBSERVERS

1. OBSERVATION OF FISHING ACTIVITIES

1.1. The parties recognise the importance of complying with the obligations arising from the relevant ICCAT resolutions and recommendations concerning scientific observers, including electronic observation, as well as with the relevant Gabonese legislation.

1.2. The tuna seiners and EU support vessels authorised under this Protocol shall take on board an observer under a national observer programme in accordance with the arrangements set out in this Chapter. Taking additional observers on board may also be considered, subject to a case by case agreement.

1.3. The observers shall be appointed by the Gabonese authorities.

1.4. The purpose of the observers shall be to collect data on the vessel's fishing activities in accordance with the relevant ICCAT recommendations and resolutions and the provisions of Gabonese legislation.

1.5. Gabon and the EU shall cooperate with the other coastal States of the eastern Atlantic Ocean, with a view to supporting a concerted regional implementation of observer programmes within the framework of the ICCAT.

1.6. Where a vessel operating in the Gabonese fishing zone has no Gabonese observer, that vessel shall be required to send the report of the on-board observer to Gabon no later than 45 days after the vessel leaves the Gabonese fishing zone.

2. DESIGNATED VESSELS AND OBSERVERS – THE OBSERVER'S BOARDING AND LEAVING THE VESSEL

2.1. The vessels required to take Gabonese observers on board shall be designated when the licences are issued. In order to enable Gabon to optimise its programming, the vessel owners shall communicate directly to the Gabonese authorities, before 5 December of each year, a provisional timetable of port calls for the following year. For the first period of application of the Protocol, this timetable shall be communicated when the application for a licence is submitted.

2.2. Once the vessels have been designated, Gabon shall forward to the EU and to the vessel owners, or their agent, a list of the vessels required to take Gabonese observers on board. Operators of vessels appearing on this list shall immediately notify Gabon of any changes to the provisional schedule of port calls sent when applying for the licence.

2.3. The vessel operator shall confirm the availability of the vessel and the intended port of boarding 1 month before the planned date of boarding. In return, Gabon shall communicate the names and contact details of the designated observer. The vessel operator shall see to it that all necessary arrangements are made for the boarding to be as smooth as possible.

2.4. A designated vessel shall be exempted from the obligation to take on board the Gabonese observer in the following cases:

(a) the names and contact details of the designated observer has not been communicated at least 2 weeks before the planned boarding date, or

(b) an observer accredited by a scientific body of the vessel's flag State, or an observer designated under a regional programme, will be on board the same vessel during the same period. In this case, the vessel owner shall inform Gabon and take the Gabonese observer on board on another vessel.

2.5. Any failure to take on board the observer designated by Gabon shall be reported within 7 days of the notification by Gabon of the name and contact details of the designated observer.

2.6. The boarding formalities shall be arranged between Gabon and the owner of the vessel.

2.7. An observer may make only two consecutive trips on the same vessel.

2.8. If the observer fails to present themselves for boarding within 12 hours of the date and time set, the master shall be automatically discharged from their obligation to allow the observer to board. The master shall be free to leave the port and start fishing operations.

3. FINANCIAL CONTRIBUTION BY THE VESSEL OWNERS

3.1. At the time of payment of the national flat-rate fee, each owner of a tuna seiner or a support vessel shall pay a flat-rate amount of EUR 2 500 per vessel to cover their contribution to the costs to be borne by Gabon for observers on board its vessels.

3.2. The costs of taking the observer on board and putting them ashore, between the port of boarding or landing and their usual place of residence, shall be borne by the vessel owner.

4. EMBARCATION CONDITIONS

4.1. The conditions under which observers are taken on board shall be agreed between the vessel owner, or their agent, and Gabon.

4.2. Observers shall be treated on board as officers. However, account must be taken of the technical structure of the vessel when they are received on board.

4.3. The vessel owner shall bear the costs of providing accommodation and food on board.

4.4. The master shall take all appropriate measures to ensure the physical safety and welfare of the observer.

4.5. The observer shall be offered every facility needed to carry out their duties. They shall have access to the vessel's means of communication and to documents relating to the fishing activities, in particular the fishing logbook and navigation log, and the parts of the vessel directly linked to their duties.

5. OBLIGATIONS OF THE OBSERVER

Whilst they are on board, the observer shall:

(a) take all appropriate measures so as not to interrupt or hinder fishing operations;

(b) respect on-board property and equipment; and

(c) respect the confidential nature of any document belonging to the vessel.

6. TASKS OF THE OBSERVER

The observer shall carry out the following duties:

– collating all information relating to the vessel's fishing activities, in particular as regards:

(a) the fishing gears used;

(b) the position of the vessel during fishing operations;

(c) the quantities and number of individuals caught for each species, including by-catches and incidental catches;

(d) an estimation of catches kept on board and of discards;

– conduct biological sampling as provided for in the relevant scientific programmes.

7. REPORT BY THE OBSERVER

7.1. Before leaving the vessel, the observer shall produce a report on their observations and present it to the master of the vessel. The master of the vessel shall have the right to make comments on the observer's report. These comments must be clearly distinguishable from the rest of the report. The report shall be signed by the observer and the master, who shall receive a copy.

7.2. The observer shall submit their report to the Gabonese authorities within 8 working days of leaving the vessel.

7.3. The Gabonese authorities shall transmit the observation data, compiled on an annual basis, to the EU. At the request of the EU, Gabon shall provide a copy of the individual reports of the observers.

APPENDICES

1. Appendix 1 - Coordinates of the fishing area - Areas closed to fishing
2. Appendix 2 - Technical sheets ‘Access conditions for EU vessels: fees, target species and technical measures’
3. Appendix 3 - Contact details of the competent authorities
4. Appendix 4 - Fishing licence application form or support vessel authorisation application form
5. Appendix 5 - FAD activity log (ICCAT template)
6. Appendix 6 - Catch declaration format
7. Appendix 7 - Use of UN/FLUX standard (ERS)
8. Appendix 8 - Entry and exit declaration format
9. Appendix 9 - VMS data format
10. Appendix 10 – Qualifications required for Gabonese sailors to be engaged on EU seiners

Appendix 1 - Coordinates of the fishing area - Areas closed to fishing

Latitude	Longitude
0.69	9.164
0.373	9.124
0.27	9.075
- 0.137	8.813
- 0.659	8.48
- 1.163	8.451
- 1.637	8.639
- 1.976	8.859
- 2.565	8.957
- 3.237	9.633
- 4.281	10.88
- 4.734	10.535
- 5.031	10.22
- 5.68	9.541
- 6.358	8.849
- 6.004	8.499
- 5.896	8.411
- 5.225	7.74
- 4.813	7.328
- 4.781	7.306
- 4.49	7.044
- 4.089	7.142
- 3.682	7.231
- 3.273	7.29
- 2.31	7.386
- 2.073	7.372
- 1.623	7.313
- 1.485	7.284
- 0.884	7.481
- 0.432	7.636
- 0.298	7.697
- 0.006	7.848
0.564	8.195
0.616	8.202
0.69	9.164

The Mandji-Etimboué aquatic reserve is closed to fishing. The coordinates of this area are:

– point A is situated at a latitude of 0°38.87898'S on the coast at the high water mark and is connected to a point B following the coastline;

– point B is situated at a latitude of 0°54.11430’S on the coast at the high water mark and is connected to a point C following a straight line;

– point C is situated at 0°55.27332′S; 8047.54736’E, it is connected to a point D following a straight line;

– point D is situated at 1°0.84144’S; 8049.04160’E. It is connected to a point E following a straight line;

– point E is situated at 1°5.49840’S; 8°52.58766’E, it is connected to a point F following a straight line;

– point F is situated at a latitude of 1°4.42626’S on the coast at the high water mark and is connected to a point G following the coastline;

– point G is situated at a latitude of 1°10.51230’S on the coast at the high water mark and is connected to a H point following a straight line;

– point H is situated at 1°11.43552’S; 8056.54856’E, it is connected to a point I following a straight line;

– point I is situated at 1°16.87074’S; 8057.65568’E, it is connected to a point J following a straight line;

– point J is situated at 1°22.94274’S; 900.24588’E, it is connected to a point K following a straight line;

– point K is situated at a latitude of 1°21.95556’S on the coast at the high water mark, it is connected to a point L following the coastline;

– point L is situated at a latitude of 1°35.90000’S on the coast at the high water mark, it is connected to a point M following a straight line;

– point M is situated at 1°35.90000’S; 8038.05000’E, it is connected to a point N following a straight line;

– point N is situated at 1°9.36670’S; 8028.60000’E, it is connected to a point O following a straight line;

– point O is situated at 0°46.66666’S; 8°38.43333’E, it is connected to a point P following a straight line;

– point P is situated at 0°38.73642’S; 8°41.17032’E, it is connected to point A following a straight line.

Appendix 2 - Technical data sheets 'Access conditions for EU vessels: fees, target species and technical measures'

Technical sheet 1 - Tuna fishing (seiners, support vessels, pole-and-line vessels)

Type of vessel	Freezer seiners
Number of authorised vessels	27
Gear and mesh size authorised	- Gear: Purse seine.
Fees	- EUR 75 for the first period of the Protocol, - EUR 80 until the end of the Protocol. The amount of the fee applicable to operators changes on 1 January 2022.
Flat-rate advance and tonnage covered	Flat-rate advance. EUR 33 750 for the first period of the Protocol; EUR 36 000 until the end of the Protocol. Tonnage covered: 450 t per vessel. The licence shall be issued for the period from 1 January to 31 December and the annual amount shall be due irrespective of the actual fishing period.
Observers	Fee: EUR 2 500 per vessel for the duration of the licence, to be paid when applying for the annual licence.
Target species	Tuna and other highly migratory fish species: species listed in Annex 1 to the 1982 United Nations Convention on the Law of the Sea, with the exception of species prohibited by the International Commission for the Conservation of Atlantic Tunas (ICCAT) or by Gabonese legislation.
Type of vessel	Support vessels
Number of authorised vessels	Maximum 4 (see provisions of Chapter I, paragraph 3)
Area of activity	Fishing area, unless specific operations are required (see provisions of Chapter III Measures on FADs)
Fees	EUR 7 500 per vessel per year.
Observers	Fee: EUR 2 500 per vessel for the duration of the authorisation, to be paid when making the annual application.
Specific obligations	According to ICCAT recommendations Transmission of the FAD logbook.

Type of vessel	Pole-and-line vessels
Number of authorised vessels	6
Gear and mesh size authorised	- Gear: rods - Mesh type: to be defined for the catching of bait (together with quantities that can be caught, areas and methods of sampling)
Fees	- EUR 75 for the first period of the Protocol; - EUR 80 until the end of the Protocol. The amount of the fee applicable to operators changes on 1 January 2022.
Flat-rate advance and tonnage covered	Flat-rate advance EUR 2 400 for the first period of the Protocol; EUR 2 560 until the end of the Protocol. Tonnage covered: 32 t per vessel. The licence shall be issued for the period from 1 January to 31 December and the annual amount shall be due irrespective of the actual fishing period.
Target species	Tuna and other highly migratory fish species: species listed in Annex 1 to the 1982 United Nations Convention on the Law of the Sea, with the exception of species prohibited by the International Commission for the Conservation of Atlantic Tunas (ICCAT) or by Gabonese legislation.
Specific obligations	According to ICCAT recommendations.

Technical sheet 2 - Fishing of deep-sea crustaceans

Type of vessel	Freezer trawler
Fishing area	Beyond 12 nautical miles from the baselines, and in the area defined in Appendix 1.
Number of authorised vessels	4
Gear, mesh size and devices authorised	Standard otter trawl; other selective gears may be authorised. Minimum authorised mesh size: 50 mm Outriggers are permitted. In the case of all fishing gear, 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.
Target species	Deep-sea crustaceans (species to be specified based on the results of exploratory fishing).
By-catches (2):	No more than 15% cephalopods and 70% fish of the total catches in Gabon's fishing zone on board at the end of the trip. Any by-catch in excess of these authorised limits will lead to penalties under Gabonese law.
Prohibited species	Trawlers shall comply with the provisions of Order No 12 of 8 October 2019 on the classification of aquatic animal species and Order No 014 regulating sustainable fishing of sharks and rays in the Gabonese Republic.
Authorised tonnage (total allowable catches – TAC)	0 t
EUR/tonne fee for crustaceans, cephalopods and demersal fish	To be decided in the Joint Committee.

Appendix 3 - Contact details of the competent authorities

I. Gabonese Republic

1. DIRECTION DES PÊCHES ET DE L'AQUACULTURE - DGPA [FISHERIES AND AQUACULTURE DIRECTORATE]

E-mail: dgpechegabon@netcourrier.com

Telephone number: +241 011-74-89-92

Fax number: +241 011-76-46-02

2. CENTRE DE SURVEILLANCE DES PÊCHES CSP-GABON [FISHERIES MONITORING CENTRE]

E-mail: csp.gabonpeche@gmail.com

Tel./Fax: +241 011-76-98-47

Radio station coordinates:

Call sign:

E-

Bands	Vessel emission frequency	Vessel reception frequency
8	8285 kHz	8809 kHz
12	12245 kHz	13092 kHz
16	16393 kHz	17275 kHz

mail addresses of contact points for VMS/ERS data transmissions:

E-mail: csp.gabonpeche@gmail.com

Tel./Fax: +241 011-76-98-47

3. CENTRE NATIONAL DE LA RECHERCHE SCIENTIFIQUE ET TECHNOLOGIQUE - CENAREST [NATIONAL CENTRE FOR SCIENTIFIC AND TECHNOLOGICAL RESEARCH]

E-mail: secretariat@iraf-gabon.org

Tel./Fax: +241 011-73-25-65- +241 011-73-08-59

II. European Union:

European Commission – Directorate-General for Maritime Affairs and Fisheries (DG MARE)

Rue Joseph II, 99 - 1049 Brussels MARE-B3@ec.europa.eu

Application for licences, inspection sheets, notifications of infringement reports:

MARE-LICENCES@ec.europa.eu

Catch monitoring: MARE-CATCHES@ec.europa.eu

Connection ERS VMS via FLUX: fish-fidesinfo@ec.europa.eu

Appendix 4 – Application form

FISHERIES AGREEMENT GABON – EUROPEAN UNION – APPLICATION FOR A FISHING LICENCE OR SUPPORT VESSEL AUTHORISATION

Application: ☐ new application ☐ renewal
Fishing category: ☐ tuna fishing with seine ☐ experimental fishery
Type of vessel: ☐ seiner ☐ support vessel ☐ other :
……
Period of authorisation: (DDMMYYYY) - (DDMMYYYY)

I – APPLICANT
1. Name of vessel owner: .....
2. Name of vessel owner's association or representative: .....
3. Address of vessel owner's association or representative: ……
…….....
.....
4. Telephone:..... 5. E-mail: ……..….

6 Name of master: ..... 7. Nationality: .....
II-VESSEL, IDENTIFICATION AND COMMUNICATION DATA
1. Name of vessel: .....
2. Flag State: .....
3. External registration number: .....
4. Port of registry: ……. 5. MMSI: ……..…
6. IMO number:…… 7. Date on which current flag was acquired: .....
8. Previous flag (if any):…… ……
9. Year and place of construction: .....10. Radio call sign (IRCS).....
11. Satellite telephone number (where applicable).....
12. E-mail on board the vessel (where applicable):
…….……..……
13. VMS transponder: Identification code ……
III — TECHNICAL CHARACTERISTICS AND EQUIPMENT
1. Overall length: ..... Width: .....
2. Gross tonnage (GT): ..... Net tonnage: .....
3. Power of main engine in kW: .....Make: ..... Type:.....
4. Fishing gear: .....
6. Fishing zones: ……..
7. Target species……
8. Crew complement: .....
9. Method of preservation on board: Cooling ☐ Refrigeration ☐ Mixed ☐ Freezing ☐
10. Freezing capacity in tonnes/24 hours: .....
11. Hold capacity: .....12. Number: .....
13. Hull construction material: Steel ☐ Wood ☐ Polyester ☐ Other ☐
14. Associated support vessel / list of supported vessels (for support vessels):

Done at ....., on .....
Signature of applicant .....
Stamp…….

The grey areas are not to be filled in for support vessels.

Appendix 5 - FAD activity log

FAD marking	*Buoy No*	*FAD type*	*Type of inspection*	*Date*	*Time*	*Position*		*Estimated catches*			*By-catches*				*Comments*
						Latitude	*Longitude*	*SKJ*	*YFT*	*BET*	*Taxonomic group*	*Estimated catches*	*Unit*	*Specimen released alive*	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(7)	(8)	(8)	(8)	(9)	(10)	(11)	(12)	(13)

(1) If the FAD marking and the identification number of the associated beacon/buoy are missing or illegible, mention it in this section. However, if the FAD marking and the identification number of the associated beacon/buoy are missing or illegible, the FAD must not be deployed.

(2) If the FAD marking and the identification number of the associated beacon/buoy are missing or illegible, mention it in this section. However, if the FAD marking and the identification number of the associated beacon/buoy are missing or illegible, the FAD must not be deployed.

(3) Anchored FAD, drifting natural FAD or drifting artificial FAD.

(4) That is, deployment, hoisting, reinforcement/consolidation, removal/recovery, change of beacon, loss; mention also whether the inspection was followed by an operation.

(5) dd/mm/yy

(6) hh:mm

(7) °N/S/mm/ss or °E/W/mm/ss

(8) Estimated catches expressed in metric tonnes.

(9) Use one line per taxonomic group.

(10) Estimated catches expressed in weight or in number.

(11) Unit used.

(12) Expressed in number of specimens.

If the FAD marking or the identification number of the associated beacon/buoy is not available, provide all the available information that could help describe the FAD and identify its owner in this section.

Appendix 6 - Catch declaration format

DÉPART / SALIDA / DEPARTURE	ARRIVEE / LLEGADA / ARRIVAL	NAVIRE / BARCO / VESSEL	PATRON / PATRON / MASTER	FEUILLE/HOJA/SHEET N°
PORT / PUERTO / PORT DATE / FECHA / DATE HEURE / HORA / HOUR	PORT / PUERTO / PORT DATE / FECHA / DATE HEURE / HORA / HOUR	NOM / NOMBRE / NAME INDICATIF / INDICATIVO / CALLSIGN PAVILLON / BANDERA / FLAG		

DATE FECHA DATE	POSITION / POSICION / POSITION		CALÉE / LANCE / SET					CAPTURE ESTIMÉE / ESTIMACION DE LA CAPTURA / ESTIMATED CATCH																ASSOCIATION ASSOCIACIÓN ASSOCIATION						COMMENTAIRES OBSERVACIONES COMMENTS	T° Mer / Mar / Sea	COURANT / CORRIENTE / CURRENT	
								ALBACORE RABIL YELLOWFIN [YFT]		LISTAO LISTADO SKIPJACK [SKJ]		PATUDO BIGEYE [BET]		GERMON ATÚN BLANCO ALBACORE [ALB]		AUTRE ESPÈCE préciser le/les nom(s) OTRA ESPECIE dar el/los nombre(s) OTHER SPECIES give name(s)			REJETS préciser le/les nom(s) DESCARTES dar el/los nombre(s) DISCARDS give name(s)															
	Latitude [DD MM.MM]	Longitude [DD MM.MM]	Nº Calée / Nº Lance / Nº Set	Portant / Positivo / Successful	Nul / Nulo / Nil	Heure / Hora / Time UTC	N° Cuve / Cuba / Well	Taille Talla Size	Capture Captura Catch	Taille Talla Size	Capture Captura Catch	Taille Talla Size	Capture Captura Catch	Taille Talla Size	Capture Captura Catch	Nom Nombre Name [FAO]	Taille Talla Size	Capture Captura Catch	Nom Nombre Name [FAO]	Taille Talla Size	Capture Captura Catch TM	Capture Captura Catch Number	Banc libre/Banco libre/Free school	Epave / Objeto / Log **N** (naturelle/natural), **A** (artificielle/artificial)	Bateau d'assistance Barco de apoyo / Supply vessel	Balise / Baliza / Beacon	Requin Baleine Tiburon Ballena / Shark Wale	Baleine / Ballena / Whale	Problèmes divers, type d'épave, prise accessoire, taille du banc, autres associations, … Problemas varios, tipo de objeto, captura accesoria, talla del banco, otras asociaciones, … Miscellaneous problems, log type), by catch, school size, other associations, …		Direction / Dirección / Direction	Vitesse / Velocidad / Speed Nœuds / Nudos / Knots
Une calée par ligne / Uno lance cada línea / One set by line																																	

Appendix 7 - Use of the UN/FLUX standard and the EU FLUX network

1. The UN/FLUX (United Nations Fisheries Language for Universal eXchange) standard and the EU FLUX exchange network shall be used for exchanging vessel positions, the electronic logbook and fishing authorisations.

2. Any amendments to the UN/FLUX standard shall be implemented within a time limit set by the Joint Committee on the basis of technical provisions provided by the European Commission, where appropriate by exchange of letters.

3. Where necessary, the arrangements for implementing the various electronic exchanges shall be set out in an implementation document prepared by the European Commission.

4. Transitional measures may be used until the changeover to the UN/FLUX standard for each component (positions, fishing logbook, authorisations). The Gabonese authorities shall determine the period necessary for this transition, taking account of any technical constraints. They shall define the trial period required before the changeover to effective use of the UN/FLUX standard. Once these trials have been successfully completed, the parties shall, as soon as possible, set the effective date of application jointly, in the Joint Committee or by exchange of letters.

Appendix 8 - Entry and exit declaration format

Fishing vessel:			
Company:			
		Telephone:	
		E-mail:	
		Telex:	
Sender:			
Consignee:			
Date:			
Message type:		ENTRY REPORT	
Name of vessel:			
Radio call sign:			
Licence No:			
ENTRY INTO THE GABONESE EEZ			
Date:			
Time (GMT):			
Position:			
TOTAL CATCH ON BOARD WHEN ENTERING THE GABONESE EEZ			
Yellowfin (YFT)			00 kg
Skipjack (SKJ)			00 kg
Bigeye Tuna (BET)			00 kg
Frigate tuna (FRI)			00 kg
Little tunny (LTA)			00 kg
Other (to be specified)			
		TOTAL	00 kg
Indicate the catches on board at the time of entry			
Sharks			00 kg
Skates			00 kg
		TOTAL	00 kg

Greetings

MASTER (Name and stamp of vessel)

Fishing vessel:				
Company:				
		Telephone:		
		E-mail:		
		Telex:		
Sender:				
Consignee:				
Date:				
Message type:		EXIT REPORT		
Name of vessel				
Radio call sign				
Licence No:				
EXIT FROM THE GABONESE EEZ				
Date:				
Time (GMT):				
Position:				
TOTAL CATCH ON BOARD ON EXIT FROM THE GABONESE EEZ				
Yellowfin (YFT)			00 kg	
Skipjack (SKJ)			00 kg	
Bigeye tuna (BET)			00 kg	
Frigate tuna (FRI)			00 kg	
Little tunny (LTA)			00 kg	
Other (to be specified)			00 kg	
		TOTAL	00 kg	
CATCHES FISHED IN THE GABONESE EEZ				
Yellowfin (YFT)			00 kg	
Skipjack (SKJ)			00 kg	
Bigeye tuna (BET)			00 kg	
Frigate tuna (FRI)			00 kg	
Little tunny (LTA)			00 kg	
Other (to be specified)				
		TOTAL	00 kg	
Indicate any incidental catches kept on board at the time of exit				
Sharks			00 kg	
Skates			00 kg	
		TOTAL	00 kg	

Greetings

MASTER (Name and stamp of vessel)

Appendix 9 - VMS transmission format

UN/FLUX format: data that must be included in the position reports

Data	Comments
Addressee	Message detail — Addressee Alpha-3 country code (ISO-3166) Note: Part of the FLUX TL envelope
From	Message detail — Sender Alpha-3 country code (ISO-3166)
Unique message identifier	UUID according to RFC 4122 defined by IETF
Date and time of transmission	Date and time when the message was created in UTC in accordance with ISO 8601, using the format YYYY-MM-DDThh:mm:ss [.000000]Z[1]
Flag State	Message detail – Flag of flag State, Alpha-3 country code (ISO-3166)
Type of message	Message detail – Type of message The following codes are to be used: ENTRY: ENTRY: first position recorded after entering the fishing zone) EXIT: EXIT: first message recorded after leaving the fishing zone POS: POS: positions transmitted while being in the fishing zone) MANUAL: MANUAL: position transmitted manually in accordance with VMS Section C, paragraph 3
Radio call sign	Vessel detail – Vessel international radio call sign (IRCS)
Contracting party internal reference number	Vessel detail – Unique contracting party vessel identifier
External Registration Number	Vessel detail – Number on side of vessel (ISO 8859.1)
Latitude	Vessel position detail – Position in degrees and decimal degrees DD.ddd (WGS-84) Positive coordinates for positions north of the Equator; Negative coordinates for positions south of the Equator.
Longitude	Vessel position detail – Position in degrees and decimals DD.ddd (WGS-84) Positive coordinates east of the Greenwich meridian; Negative coordinates west of the Greenwich meridian.
Course	Vessel course 360° scale
Speed	Vessel speed in knots
Date and time	Vessel position detail – date and time of recording of the position in UTC according to ISO 8601, using the format YYYY-MM-DDThh:mm:ss[.000000]Z[2]

The transmission of data in UN/FLUX format is to be structured in the manner set out in the Implementation Document issued by the European Commission before the date of application of the Protocol.

[1] YYYY = year; MM = month, including the initial 0 when the number of the month is less than 10; DD = day of the month, including the initial 0 when the number of the day is less than 10; T = the letter T to indicate the part of the time slot; H24 = hours of day expressed with 2 digits using the 24-hour notation; MI = minutes expressed in 2 digits; SS = seconds expressed in 2 digits; [.000000] = fractions of second may be included, without the square brackets; Z = time zone, which must be Z (i.e. UTC).

[2] YYYY = year; Mm=M = month, including the initial 0 when the number of the month is less than 10; DD = day of the month, including the initial 0 when the number of the day is less than 10; T = the letter T to indicate the part of the time slot; H24 = hours of day expressed with 2 digits using the 24-hour notation; MI = minutes expressed in 2 digits; SS = seconds expressed in 2 digits; [.000000] = fractions of second may be included, without the square brackets; Z = time zone, which must be Z (i.e. UTC).

Appendix 10 – Qualifications required for Gabonese sailors to be engaged on EU seiners

The Gabonese authorities shall ensure that personnel engaged to be employed on EU vessels meet the following requirements:

1. The minimum age of the sailors shall be 18.

2. The sailors shall be in possession of a valid medical certificate confirming that they are medically fit to perform the duties they are to carry out at sea. This certificate shall have been issued by a duly qualified medical practitioner.

3. The sailors shall have the valid vaccinations required for precautionary health purposes in the region.

4. The sailors shall be qualified according to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) and have a certificate proving, inter alia, that they have received basic safety training such as:

   (a) personal survival techniques and personal safety;

   (b) firefighting and fire prevention;

   (c) basic first aid;

   (d) personal safety and social responsibility; and

   (e) prevention of marine pollution.

5. The sailors shall be familiar with:

   (a) the marine terms and orders commonly used on fishing vessels;

   (b) the dangers associated with fishing operations;

   (c) the operating conditions of fishing vessels and the dangers that they may pose;

   (d) the fishing equipment to be used in purse- seine fishing and have experience of using it;

   (e) the stability and seaworthiness of a vessel;

   (f) mooring, handling of mooring ropes and their respective uses.

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 Article 19(5) of the Implementing Protocol to the Fisheries Partnership Agreement between the Gabonese Republic and the European Community, the Commission shall be authorised to approve the proposed amendments on behalf of the EU, under the following conditions:

1) The Commission shall ensure that the approval on behalf of the EU:

(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 the proposed amendments on behalf of the EU, the Commission shall submit them to the Council in sufficient time before the relevant Joint Committee meeting.

3) The Council shall assess whether the proposed amendments comply with the criteria laid down in point 1 of this Annex.

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 EU. If there is such a blocking minority, the Commission shall reject the proposed amendments on behalf of the EU.

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 EU 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, publishing the relevant decision in the Official Journal of the European Union and submitting any proposal necessary for the implementation of that decision.

As regards other matters which do not concern amendments to the Protocol, in accordance with Article 19(5) of the Implementing Protocol to the Fisheries Partnership Agreement between the Gabonese Republic and the European Commission, the position to be adopted by the EU in the Joint Committee shall be determined in accordance with the Treaties and established working practices.