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Conformément au règlement (CEE, Euratom) n° 354/83 du Conseil du 1er février 1983 concernant l'ouverture au public des archives historiques de la Communauté économique européenne et de la Communauté européenne de l'énergie atomique (JO L 43 du 15.2.1983, p. 1), tel que modifié par le règlement (CE, Euratom) n° 1700/2003 du 22 septembre 2003 (JO L 243 du 27.9.2003, p. 1), ce dossier est ouvert au public. Le cas échéant, les documents classifiés présents dans ce dossier ont été déclassifiés conformément à l'article 5 dudit règlement.

In accordance with Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community (OJ L 43, 15.2.1983, p. 1), as amended by Regulation (EC, Euratom) No 1700/2003 of 22 September 2003 (OJ L 243, 27.9.2003, p. 1), this file is open to the public. Where necessary, classified documents in this file have been declassified in conformity with Article 5 of the aforementioned regulation.

In Übereinstimmung mit der Verordnung (EWG, Euratom) Nr. 354/83 des Rates vom 1. Februar 1983 über die Freigabe der historischen Archive der Europäischen Wirtschaftsgemeinschaft und der Europäischen Atomgemeinschaft (ABl. L 43 vom 15.2.1983, S. 1), geändert durch die Verordnung (EG, Euratom) Nr. 1700/2003 vom 22. September 2003 (ABl. L 243 vom 27.9.2003, S. 1), ist diese Datei der Öffentlichkeit zugänglich. Soweit erforderlich, wurden die Verschlussachen in dieser Datei in Übereinstimmung mit Artikel 5 der genannten Verordnung freigegeben.

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(79) 302 final

Brussels, 5 June 1979

Proposal for a  
COUNCIL REGULATION (EEC)

approving the exchange of letters providing for provisional application of the Agreement between the Government of Senegal and the European Economic Community concerning fishing off the coast of Senegal and of two exchanges of letters referring thereto

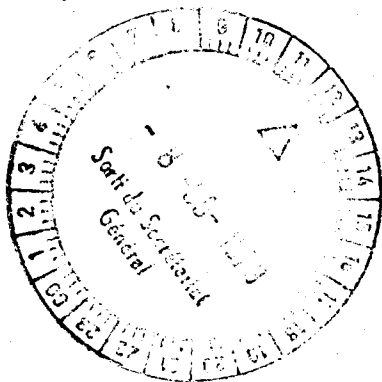
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Proposal for a  
COUNCIL REGULATION (EEC)

approving the Agreement between the Government of the Republic of Senegal and the European Economic Community concerning fishing off the coast of Senegal and two exchanges of letters referring thereto

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(presented by the Commission to the Council)



COM(79) 302 final

## EXPLANATORY MEMORANDUM

1. By its Decisions of 27 June 1977 and 7 December 1977 the Council authorized the Commission to open and continue negotiations for a fishery agreement with certain West African countries, including Senegal.
2. The negotiations between the Republic of Senegal and the Commission of the European Communities for the conclusion of a fishery agreement ended on 30 April 1979. The text of the Agreement was initialled by His Excellency Mr Djibril Sene, Senegal Minister of Rural Development, and Mr F. O. Gundelach, Vice-President of the Commission of the European Communities. The Agreement is valid for two years and contains a tacit renewal clause.

The Agreement is particularly important because it is the first of its kind to be negotiated by the Community with a developing country. It governs fishery relations between the Community and Senegal and will replace the bilateral agreements between certain Member States and Senegal.

3. The Protocol to the Agreement stipulates the number of Community vessels and the conditions under which they may engage in fishing activities inside Senegal's 200-mile fishing zone. To this end, the Senegalese authorities will issue licences in return for the payment of a fee by shipowners. The latter will be obliged to land part or all of their catches in a Senegalese port. Within the limits set out in Exchange of Letters n° 1 annexed to the Agreement, they will have to employ Senegalese seamen on board their vessels.

.../..

The Protocol also makes provision for financial compensation from the Community, which, for the initial duration of the Agreement (two years) and given that there is no recent experience of certain kinds of fishing, has been set at an agreed amount (1) of CFAF 2 500 million (approximately \$ 11.4 million). This compensation is designed to finance projects and services launched by the Republic of Senegal in connection with rural development, particularly sea fishing. The compensation is in addition to the financial assistance Senegal receives and will continue to receive under the Lomé Convention and its successor.

Lastly, it has been agreed that the Community will provide study and training grants for Senegalese nationals in the various areas of the fishing industry (see Annex I.D.).

4. In accordance with Exchange of Letters n° 3 it has been agreed that the Agreement will be made provisionally applicable as soon as it is signed. So that licences can be issued as soon as possible, particularly for freezer trawlers that do not possess licences at present and for which the fishing season in Senegalese waters is now under way, it would be advisable to authorize the signing of the Agreement as soon as possible.
5. In the light of the foregoing, the Commission
  - i) recommends that the Council, at its next meeting, authorize its President to designate the persons authorized to sign this Agreement;
  - ii) proposes that the Council, after consulting the European Parliament, approve the outcome of the negotiations by adopting the proposal for a Regulation annexed hereto, thereby approving the Agreement.

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(1) See Exchange of Letters n° 2

PROPOSAL FOR A COUNCIL REGULATION (EEC)

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approving the exchange of letters providing for provisional application of the Agreement between the Government of Senegal and the European Economic Community concerning fishing off the coast of Senegal and of two exchanges of letters referring thereto

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 103 thereof,

Having regard to the proposal from the Commission,

Whereas the European Economic Community and the Government of the Republic of Senegal signed on an Agreement concerning fisheries off the coast of Senegal, together with exchanges of letters referring thereto;

Whereas by this Agreement the Government of Senegal is to permit Community fishermen to fish off the coast of Senegal;

Whereas certain Community fishermen do not for the moment have alternative fishing possibilities and it is therefore important that the Agreement be brought into operation as soon as possible;

Whereas for this reason the two parties signed on an exchange of letters providing for the application on a provisional basis of the Agreement from the date of signature pending its entry into force in accordance with Article 18 thereof;

Whereas it is therefore appropriate that the Community approve this exchange of letters, on the basis of Article 103 of the Treaty, pending final conclusion of the Agreement on the basis of Article 43 of the Treaty,

./.

HAS ADOPTED THIS REGULATION:

Article 1

The exchange of letters between the European Economic Community and the Government of Senegal providing for provisional application of the Agreement between these two parties concerning fishing off the coast of Senegal, and of the two exchanges of letters referring thereto, is hereby approved on behalf of the Community.

The instruments referred to in the preceding paragraph are annexed to this Regulation.

Article 2

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

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

Done at

For the Council

The President

From the Chairman of the Senegalese  
Delegation to the Chairman of the  
European Economic Community Delegation

Sir,

With reference to the Agreement on fisheries off the coast of Senegal signed today between the European Economic Community and the Government of the Republic of Senegal, I have the honour to inform you that the Government of the Republic of Senegal is prepared to apply the Agreement and its Protocol from this day until it enters into force in accordance with Article 18 of the Agreement and Article 6 of the Protocol, provided that the European Economic Community is prepared to do likewise.

It is understood that, in this case, the first instalment of the compensation laid down in Article 2 of the Protocol must be paid within eight weeks from today.

I should be obliged if you would confirm that the European Economic Community agrees to provisional application as indicated above.

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



From the Chairman of the European  
Community Delegation to the Chairman  
of the Senegalese Delegation

Sir,

I am in receipt of your letter of today's date, which reads as follows :

"

I have the honour to inform you that the Community accepts the provisional application of the Agreement and its Protocol under the conditions referred to in your letter.

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

PROPOSAL FOR A COUNCIL REGULATION (EEC)

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approving the Agreement between the Government of the Republic of Senegal and the European Economic Community concerning fishing off the coast of Senegal and two exchanges of letters referring thereto.

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament, (1)

Whereas it is in the Community's interest to approve the Agreement between the European Economic Community and the Government of the Republic of Senegal concerning fishing off the coast of Senegal, together with the exchanges of letters referring thereto, signed in Brussels on

Whereas on the conclusion of this Agreement Regulation (EEC) No. /79 of June 1979 approving the exchange of letters providing for provisional application of the Agreement between the Government of the Republic of Senegal and the European Economic Community concerning fishing off the coast of Senegal and of two exchanges of letters referring thereto (2) ceases to have any purpose;

HAS ADOPTED THIS REGULATION:

Article 1

The Agreement between the Government of the Republic of Senegal and the European Economic Community concerning fishing off the coast of Senegal, and the two exchanges of letters referring thereto are approved on behalf of the Community.

(2) The date of entry into force of the Agreement will be published in the Official Journal of the European Communities by the Secretariat General of the Council. ./. .

The instruments referred to in the preceding paragraph are annexed to this Regulation.

Article 2

The President of the Council shall, on behalf of the Community, give the notification provided for in Article 18 of the Agreement.

Article 3

Regulation (EEC) No. /79 is hereby repealed.

Article 4

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

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

Done at Brussels,

For the Council

The President

DRAFT AGREEMENT

between the Government of the Republic of Senegal and the European  
Economic Community on fisheries off the coast of Senegal

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The Government of the Republic of Senegal and the European Economic  
Community, hereinafter referred to as the "Community",

Recalling the close relations between the Community and the Republic of  
Senegal;

In the spirit of cooperation resulting from the Lomé Convention, symbo-  
lizing the Parties' common desire to intensify friendly relations between  
the African, Caribbean and Pacific States and the Community;

Whereas they have a mutual interest in the rational management, conservation  
and optimum utilization of fish stocks, notably in the Central East Atlantic;

Whereas the Republic of Senegal exercises its sovereignty or jurisdiction  
over a zone extending up to two hundred nautical miles from its coast,  
particularly in respect of sea fishing;

Taking into account the fact that vessels flying the flags of Member States  
of the Community habitually engage in fishing activities in that zone;

Taking into account the work of the Third United Nations Conference on  
the Law of the Sea;

Affirming that the exercise by coastal States of their sovereign rights  
in the waters within their jurisdiction for the purposes of exploring,  
exploiting, conserving and managing the living resources thereof must  
be in accordance with the principles of international law;

.../..

Whereas fishing activities in the waters under the sovereignty or jurisdiction of the Republic of Senegal are governed by its Sea Fishing Code;

Determined to conduct their relations in a spirit of mutual trust and respect for each other's interests in the sphere of sea fishing;

Desirous of establishing the terms and conditions governing fishing activities of mutual concern to the Parties;

Have agreed as follows :

#### Article 1

The purpose of this Agreement is to establish the principles and rules which will govern in future, in all respects, the fishing activities of vessels flying the flags of Member States of the Community, hereinafter referred to as "Community vessels," in the waters over which the Republic of Senegal has sovereignty or jurisdiction in respect of fisheries, hereinafter referred to as "Senegal's fishing zone".

#### Article 2

The Government of the Republic of Senegal undertakes to authorize Community vessels to fish in Senegal's fishing zone in accordance with the terms of this Agreement, in particular those stipulated in Annex I, and with the Sea Fishing Code and other laws and regulations in force in Senegal.

#### Article 3

1. The Community undertakes to take all appropriate steps to ensure that its vessels adhere to the provisions of this Agreement and the rules and regulations governing fishing activities in Senegal's fishing zone.
2. The authorities of Senegal shall notify the Commission of the European Communities in advance of any changes to the said rules and regulations.

.../...

Article 4

1. Fishing activities by Community vessels in Senegal's fishing zone shall be subject to the possession of a licence issued at the Community's request by the authorities of Senegal.
2. The authorities of Senegal shall issue fishing licences within the limits laid down by category of vessel in the Protocol referred to in Article 9.
3. Licences shall be valid in the zones defined in Annex I.E., depending on the activity and the type of vessel in question.
4. Licences shall be valid from the day of issue until 31 December of the year in which they are issued.
5. A licence shall be issued for a given vessel and shall not be transferable.
6. Where a vessel in possession of a licence is prevented from using it by force majeure, the licence may be replaced at the Community's request by another one which shall be valid for a vessel of the same category.

Article 5

1. Licences shall be issued by the authorities of the Republic of Senegal upon payment of a fee by the shipowner concerned.
2. For those vessels that are obliged to land their entire catch at Senegalese ports, the fee shall be that laid down by the Senegalese rules and regulations in force. For those vessels that are not obliged to land their entire catch in Senegal, the fee shall be double that mentioned in the preceding sentence.

The amounts payable are set out in Annex I.A.

Licences shall be paid for in full when they are issued or declared valid; the fees for licences assessed on the basis of the quantity of fish caught shall be payable at the close of the year.

.../...

3. The fee for a licence issued under Article 4 (6) shall be in proportion to the remainder of the year.

#### Article 6

The Parties undertake to concert action, either directly or within international organizations, to ensure the management and conservation of the living resources, particularly in the Central East Atlantic, and to facilitate the relevant scientific research.

#### Article 7

Vessels authorized to fish in Senegalese waters under this Agreement shall be obliged to forward to the relevant Senegalese authorities statements of catches in accordance with the arrangements set out in Annex I.B to this Agreement.

#### Article 8

Wet trawlers and tuna boats, authorized under this Agreement to fish in Senegal's fishing zone, shall be obliged to land their entire catch.

Freezer trawlers and tuna boats shall be obliged to land part of their catch in accordance with the arrangements set out in Annex I.C to this Agreement.

#### Article 9

In return for the fishing opportunities accorded under this Agreement, the Community shall pay the Republic of Senegal compensation as set out in the Protocol to this Agreement.

This compensation, which shall be paid without prejudice to financing accorded to the Republic of Senegal under the ACP-EEC Convention, shall be mobilized in accordance with the special procedure described in the said Protocol.

The compensation shall be used to finance projects and services of a rural nature, in particular relating to sea fishing.

.../..

Article 10

The Parties agree to consult in the event of a dispute concerning the interpretation or application of this Agreement, where appropriate in accordance with the procedure set out in Annex II.

Article 11

A Joint Committee shall be set up to ensure that this Agreement is applied correctly.

The Committee shall meet once a year, alternating between Senegal and the Community, and shall hold special meetings at the request of either Contracting Party.

Article 12

Should the authorities of Senegal decide, as a result of an unforeseeable change in the state of the fish stocks, to take new conservation measures which, in the opinion of the European Economic Community, have a considerable effect on the fishing activities of Community vessels, consultations must be held between the Parties in order to adapt Annex I and the Protocol referred to in Article 9.

Such consultations shall be based on the principle that any reduction in the fishing opportunities provided for in the said Protocol shall be offset by other fishing opportunities of equivalent value, account being taken of compensation already paid by the Community.

Article 13

Nothing in this Agreement shall affect or prejudice in any manner the views of either Party with respect to any matter relating to the Law of the Sea.

Article 14

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



Article 15

The Parties agree to examine this Agreement upon the conclusion of the negotiations for a multilateral treaty which are being conducted within the framework of the Third United Nations Conference on the Law of the Sea.

Article 16

The Annexes form an integral part of this Agreement and, unless otherwise specified, a reference to this Agreement constitutes a reference to its Annexes.

Article 17

This Agreement shall be concluded for an initial period of two years running from the date of its entry into force. In the event of the Agreement not being terminated by either Party through notice of termination given at least six months before the expiry of that two-year period, it shall remain in force for additional periods of one year, provided that notice of termination has not been given at least three months before the expiry of each yearly term.

Negotiations shall then take place between the Parties to determine by mutual agreement the amendments or additions to be made to the Annexes or the Protocol referred to in Article 9.

Article 18

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

In witness whereof the undersigned, being duly authorized for this purpose, have signed this Agreement.

Done at

in duplicate in the Danish, Dutch, English, French, German and Italian languages, each of these texts being equally authentic.

ANNEX I

CONDITIONS FOR THE PURSUIT OF FISHING ACTIVITIES IN SENEGAL'S FISHING  
ZONE BY VESSELS FLYING THE FLAGS OF MEMBER STATES OF THE EUROPEAN  
ECONOMIC COMMUNITY

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A. Licence application and issuing formalities

The procedure for applications for and issue of the annual licences enabling vessels flying the flags of Member States of the Community to fish in Senegalese waters shall be as follows :

1. The relevant Community authorities must present to the relevant Senegalese authorities (MDR) (1) an application for each vessel that wishes to fish under this Agreement.

The application shall be made on the forms provided for that purpose by the Government of Senegal. A specimen is annexed hereto.

The fees are set according to the following scale :

- (a) trawlers landing their entire catch :  
CFAF 7 500 per grt per year
- (b) trawlers not landing their entire catch :  
CFAF 15 000 per grt per year
- (c) tuna boats landing their entire catch :  
CFAF 1 per kg of fish caught per year
- (d) tuna boats not landing their entire catch :  
CFAF 2 per kg of fish caught per year

2. The fee shall be for one year, regardless of the period for which the licence is valid, except in the case referred to in Article 4 (6) of the Agreement and in that referred to in paragraph 3 below.
3. For licences issued between the date when this Agreement becomes operative and 1 January following that date, the fee shall be in proportion to the period for which they are valid.

.../..

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(1) Ministère du développement rural - Ministry of Rural Development

4. The relevant Senegalese authorities shall examine each application to see that it complies with this Agreement and with Senegalese legislation and shall apply the scale of fees to be paid.  
The relevant Senegalese authorities shall inform the Community authorities of these decisions.
5. The licences issued upon payment of the fees shall be valid for a given vessel and shall not be transferable.
6. Should there be any difficulties or additional information needed when applications are examined and licences issued, consultations shall be held between the representatives of the Contracting Parties, in particular through the Direction de l'Océanographie et des Pêches maritimes (Directorate for Oceanography and Sea Fisheries) and the Delegation of the Commission of the European Communities in Dakar.

B. Statement of catch

All vessels authorized to fish in Senegalese waters under this Agreement shall be obliged to forward to the Direction de l'Océanographie et des Pêches maritimes a statement of their catch made out according to the attached specimen.

A statement of catch must be presented after each trip for wet vessels or every month for freezer vessels, and in this case before the end of the following month.

Should these provisions not be adhered to, the Government of Senegal reserves the right to suspend the licence of the offending vessel until the formality has been accomplished. In addition, the penalty provided under Article 49 of Senegal's Sea Fishing Code shall be inflicted upon the owner of the said vessel.

C. Landing of catch

Vessels authorized to fish in Senegalese waters under this Agreement shall be obliged to land part or all of their catch, depending on the type of fishing practised.

.../..

1. Wet trawlers and tuna boats shall land their entire catch in Senegal. Where catches are made in fishing zones that are not under Senegal's sovereignty or jurisdiction, the Parties shall consult within the Joint Committee in order to set the percentage of the catch to be landed in Senegal.
  
2. During the first year of application of the Agreement, freezer tuna boats may be obliged to land up to 4 000 tonnes of tuna on price terms to be worked out between the shipowners and the users concerned on the basis of the selling prices charged by those same shipowners on their market; the terms for landings in subsequent years shall be determined within the Joint Committee by mutual agreement with the shipowners concerned on the basis of catches made during the preceding year in Senegal's fishing zone.
  
3. Every six months, freezer trawlers shall land 100 kg of fish and crustaceans per gross register ton.  
Any failure to comply with the obligation to land catches shall render the shipowner liable to the following sanctions on the part of the Senegalese authorities :
  1. Fine of CFAF 25 000 per tonne not landed;
  2. Withdrawal of the licence, which shall not be renewed until the quantities due have been delivered.

D. Training grants

The two Parties agree that an essential condition for the success of their cooperation is that the competence and knowhow of persons engaged in sea fishing should be improved. To this end, the European Economic Community shall make it easier for Senegalese nationals to find places in establishments in its Member States and shall provide study and training grants for that purpose in the various scientific, technical and economic subjects connected with fisheries.

.../..

E. Fishing zones

The fishing zones referred to in Article 4 of the Senegal-EEC Agreement on Fisheries shall be as follows :

- (a) wet trawlers and freezer vessels engaged in near-water fishing as defined in Article 5 of Senegal's Sea Fishing Code shall be authorized to fish outside the limit of the first six nautical miles of the waters under Senegalese jurisdiction;
- (b) freezer trawlers engaged in distant-water fishing shall be authorized to fish outside the limit of the first twelve nautical miles of the waters under Senegalese jurisdiction;
- (c) wet and freezer tuna boats shall be authorized to fish throughout the waters under Senegalese jurisdiction.

The extent of the waters under Senegalese jurisdiction is measured from the baselines defined in Décret n° 72-756 of 5 July 1972.

REPUBLIC OF SENEGAL

One people - One goal - One faith

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MINISTRY OF RURAL DEVELOPMENT AND  
WATER ENGINEERING

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DIRECTORATE FOR OCEANOGRAPHY AND  
SEA FISHERIES

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APPLICATION FORM FOR FISHING LICENCE

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NB : The form issued by the Senegalese authorities is in French only.

APPLICANT

Name and first name :

Date of birth :

Occupation :

Trade Register N<sup>o</sup> :

Style of firm :

Number of employees :

Permanent :

Temporary :

Annual turnover :

Address :

VESSEL

Name :

Registration N<sup>o</sup> :

Date and place of construction :

Original nationality :

Date of transfer to Senegalese flag :

Lengths :

Widths :

Gross register tons :

Net register tons :

Engine type and rating :

Number of seamen aboard :

Type of fishing :

A. Trawling :

Length of trawl :

Opening :

Mesh size in the body :

B. Sardine fishing :

Length of net :

Depth of net :

C. Tuna fishing :

Number of poles :

Length of net :

Number of bait tanks :

Volume of bait tanks :



Live bait?

Purse seine ?

Is the vessel a freezer vessel ?

If so :

Total freezing power :

Freezing capacity :

Storage capacity :

SHORE INSTALLATIONS

Address and permit N<sup>o</sup> :

Style of firm :

Activities :

Domestic wholesale fish trading :

Exploitation export wholesaling :

Type and N<sup>o</sup> of wholesale trader's card :

Description of cold store and technical installations :

Number of employees :

Permanent :

Temporary :

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Technical notes by the Director for Fisheries

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Authorization of the Minister for Rural Development

NAME OF VESSEL

=====

=====

STATEMENT OF CATCH

FISHING TACKLE USED

Addendum to Annex I - B.I.

Shipowner :

Consignee :

Licence N° :

Engine rating :

Gross register tons :

TRAWL	SEINE	OTHER TACKLE
Type and number .....	Type .....	.....
Mesh size in cod end .....	Mesh size .....	.....
Head line .....	Length .....	.....
Rigging .....	Depth .....	.....

INFORMATION ON FISHING ACTIVITIES

Date	Fishing zone	Sounding	Time spent fishing	Species caught	Weight landed
Date out					Date in
1st day				1	
2nd day				2	
3rd day				3	
4th day				4	
5th day				5	
6th day				6	
7th day				7	
8th day				8	
9th day				9	
10th day				10	
11th day				11	
12th day				12	
13th day				13	
14th day				14	
15th day				15	

REPUBLIC OF SENEGAL

MINISTRY OF RURAL DEVELOPMENT

DIRECTORATE FOR OCEANOGRAPHY AND  
SEA FISHERIES

Statement of fishing activities

Name of vessel  
Type of fishing  
Permit N°  
Home port  
Catches

Species	Tonnage landed	Tonnage not landed	Total
Albacore or bigeye			
Skipjack			
Other tuna			
Total			

I, the undersigned, ..... owner of the above vessel or his duly authorized representative, hereby certify that the above statement conforms to the actual catches made by my vessel.

Done at ....., .....

signature and seal of shipowner

ANNEX II

PROCEDURE FOR SETTLEMENTS OF DISPUTES

The two parties undertake to submit any disputes that may occur between them as to the interpretation or the application of this Agreement, apart from those relating to the exercise by Senegal of its sovereign rights over the waters off its coast, to the following arbitration procedure, should it prove impossible to settle them under Article 10 :

1. Within two months of the date on which either Party formally request that a dispute be submitted to arbitration in accordance with this Article of the Agreement, each Contracting Party shall appoint one member of the arbitral tribunal and these two members shall, within three months of the same date, appoint, by mutual agreement and on behalf of the two Parties, a national of a third State as the third member of the tribunal.
2. The Contracting Party requesting arbitration shall submit, when its request is treated, a statement of its claim and the grounds on which such claim is based.
3. The arbitral tribunal shall reach its decisions by majority vote, basing them on this Agreement and on the other rules of international law. Decisions shall be binding on the two Parties. The cost of arbitration shall normally be borne by the two Contracting Parties in equal shares.

PROTOCOL

between the European Economic Community and the Government of the  
Republic of Senegal

THE PARTIES TO THIS PROTOCOL

HAVING REGARD TO the Agreement between the European Economic Community and the Government of the Republic of Senegal on fisheries off the coast of Senegal, signed on .....

HAVE AGREED AS FOLLOWS :

Article 1

The limits referred to in Article 4 of the abovementioned Agreement shall be set as follows for the first two years of application of that Agreement :

1. Tuna boats obliged		3 300 grt
2. Trawlers obliged	to land their entire	1 600 grt
3. Tuna boats not obliged	catch in Senegal	23 300 grt
4. Trawlers not obliged		12 300 grt

#### Article 2

The compensation referred to in Article 9 of the Agreement shall be set for the first two years of application of the Agreement at two thousand five hundred million CFA francs.

#### Article 3

1. The use to which the compensation provided for in Article 2 is put shall be the sole responsibility of the Government of Senegal.
2. The Government of Senegal shall inform the European Economic Community of the programme for the use of the compensation.

#### Article 4

1. The compensation provided for in Article 2 shall be mobilized in accordance with a procedure to be laid down in an exchange of letters.
2. The compensation shall be paid into an account opened with a financial institution chosen by the Government of Senegal or in the books of the Treasurer-General of Senegal.

#### Article 5

If the European Economic Community fails to make the payments provided for in this Protocol, the Agreement on Fisheries shall be suspended.

#### Article 6

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

In witness whereof, the undersigned, being duly authorized for this purpose, have signed this Protocol.

Done at \_\_\_\_\_, on \_\_\_\_\_,  
in duplicate in the Danish, Dutch, English, French, German, and Italian languages, each of these texts being equally authentic.

From the Chairman of the Senegalese  
Delegation to the Chairman of the  
European Economic Community  
Delegation.

Sir,

With reference to the Agreement between the Government of the Republic of Senegal and the European Community signed today, I have the honour to inform you that my Government reserves the right to make the granting of fishing licences to vessels flying the flag of a Member State of the Community and fishing under the Agreement on Fisheries negotiated between us subject to the obligation to take on board Senegalese nationals under the following conditions :

1. Vessels authorized to fish in Senegalese waters under the Agreement on Fisheries shall be obliged to take on board Senegalese registered seamen up to a proportion of 33% of their crew. The personnel at present available have the following qualifications :

- (a) First mate of vessel up to 300 grt
- (b) First engineer of vessel up to 800 CV
- (c) Deck officer of vessel up to 500 grt
- (d) Engineer officer of vessel up to 3 500 CV
- (e) Boatswain of vessel up to 300 grt
- (f) Seaman
- (g) Ship's greaser
- (h) Ship's cook and steward.

Where a vessel authorized to fish in Senegalese waters has at least three crew officers in the deck or engine-room service, the crew of that vessel must include at least one Senegalese national having one of the qualifications mentioned under (a) or (b) above.

2. The number of seamen freezer tunny boats shall be obliged to take on shall be determined in overall terms, account being taken of the scale of their activities in Senegal's fishing zone and the number of crew members of other nationalities from countries whose fishing zones the fleet frequents.

I should be obliged if you would acknowledge receipt of this letter.

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



From the Chairman of the European  
Economic Community Delegation to  
the Chairman of the Senegalese  
Delegation

Sir,

I am in receipt of your letter of today's date, which reads as follows :

"

I have the honour to inform you that the Community will have the letter published in order to bring its content to the attention of the shipowners concerned.

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

From the Chairman of the European  
Economic Community Delegation to the  
Chairman of the Senegalese Delegation

Sir,

With reference to the Protocol between the European Economic Community and the Government of the Republic of Senegal Annexed to the Agreement on Fisheries signed today, I have the honour to confirm that the amount of the compensation laid down in that Protocol for the first two years of application of the Agreement on Fisheries is by way of being an agreed amount and in no way prejudices what could be agreed for the following years on the basis of precise statistical and economic data on the catches made by the different categories of vessel in Senegal's fishing zone.

I should be obliged if you would confirm that your Government is in agreement with this interpretation.

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

From the Chairman of the Senegalese  
Delegation to the Chairman of the  
European Economic Community Delegation

Sir,

I am in receipt of your letter of today's date, which reads as follows :

"

I have the honour to confirm that the Government of the Republic of Senegal  
is in agreement with this interpretation.

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

## FINANCIAL STATEMENT

MTR : May 22, 1979

1. BUDGET LINE CONCERNED : 892

2. ACTION : Draft Agreement between the Government of the Republic of Senegal and the European Economic Community on fisheries off the coast of Senegal.

3. LEGAL BASIS : Art. 43 EEC

4. OBJECTIVES :  
Compensations fisheries agreement

5. FINANCIAL CONSEQUENCE	FOR THE MARKETING YEAR	CURRENT FINANCIAL YEAR ( )	FOLLOWING FINANCIAL YEAR ( )
5.0 EXPENDITURE			
-CHARGED TO THE EC BUDGET (REVENUES/INTERVENTIONS)		4,5 mio UCE	4,5 mio UCE
-CHARGED TO NATIONAL ADMINISTR.			
-CHARGED TO OTHER NATIONAL GROUPS			
5.1 RECEIPTS			
-FROM RESOURCES OF THE EC (LEVIES/CUSTOMS DUTIES)			
-NATIONAL			

YEAR ..... YEAR ..... YEAR .....

5.0.1 PLURIANNUAL PATTERN OF EXPENDITURE

5.1.1 PLURIANNUAL PATTERN OF RECEIPTS

5.2 METHOD OF CALCULATION

Amount for two years : 2,500 mill CFA + study and training grants to be determined

6.0 FINANCING POSSIBLE WITH CREDITS INSCRIBED IN RELEVANT CHAPTER OF CURRENT BUDGET ? YES/NO

6.1 FINANCING POSSIBLE BY TRANSFER BETWEEN CHAPTERS OF CURRENT BUDGET ? YES/NO

6.2 NECESSITY FOR A SUPPLEMENTARY BUDGET ? YES/NO

6.3 CREDITS TO BE WRITTEN INTO FUTURE BUDGETS ? YES/NO

COMMENTS :

The procedure of transfer of appropriations is in preparation.