



EUROPEAN COMMISSION

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Proposal for a

**COUNCIL DECISION**

**on the signing, on behalf of the European Union, and provisional application of the Protocol setting out the fishing opportunities and financial compensation provided for in the Fisheries Partnership Agreement between the European Community and the Kingdom of Morocco**

## EXPLANATORY MEMORANDUM

On the basis of a mandate from the Council<sup>1</sup>, the European Commission has conducted negotiations with the Kingdom of Morocco on the renewal for one year of the Protocol to the Fisheries Partnership Agreement between the European Community and the Kingdom of Morocco of 22 May 2006. At the end of those negotiations, a Protocol renewing the preceding Protocol was initialled on 25 February 2011. It covers the period from 28 February 2011 to 27 February 2012, the Protocol in force having expired on 27 February 2011.

This Protocol is proposed for one year to give the EU the time necessary to assess the prospect of a future Protocol of a longer duration.

This procedure is initiated in parallel with the procedures relating to the Council Decision with the consent of the Parliament on the conclusion of the Protocol itself, as well as to the Council Regulation concerning the allocation of the fishing opportunities between the EU Member States.

The Commission's negotiating position was based in part on the results of an ex-post evaluation carried out by independent experts, as well as on a joint assessment of the scientific data on the state of stocks.

The main objective of the Protocol to the Agreement is to define the fishing opportunities offered to European Union vessels based on the surplus available, as well as the financial contribution due, separately, for access rights and for sectoral support.

The general aim is to continue the cooperation between the European Union and the Kingdom of Morocco, thereby creating a partnership framework within which to develop a sustainable fisheries policy and sound exploitation of fisheries resources in the Moroccan fishing zones, in the interests of both Parties.

The new Protocol is in keeping with the two Parties' concern to strengthen partnership and cooperation in the fisheries sector using all the financial instruments available. To this end, it should be reiterated that there is a need to create a framework which is favourable to the development of investment in this sector and optimising the production of small-scale fisheries.

The overall annual contribution under the Protocol of EUR 36 100 000 is based on: (a) a maximum of 119 fishing permits for EU vessels in the categories of small-scale fishing, demersal fishing and tuna fishing, as well as a maximum catch tonnage of 60 000 in the category of industrial pelagic fishing, and (b) EUR 13 500 000 in development aid for the Kingdom of Morocco's sectoral fisheries policy. This support meets the objectives of the national fisheries policy.

More particularly, the Protocol – just like its predecessor – provides for fishing opportunities in the following six categories:

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<sup>1</sup> Doc. 6486/1/11 REV 1 of 18 February 2011.

- Small-scale pelagic fishing in the north: 20 seiners,
- Small-scale fishing in the north: 30 bottom longliners,
- Small-scale fishing in the south: 20 vessels,
- Demersal fishing: 22 vessels,
- Tuna fishing: 27 vessels,
- Industrial pelagic fishing: 60 000 tonnes of catches.

The Commission proposes, on this basis, that the Council adopt by Decision the signing and the provisional application of the Protocol.

Proposal for a

## **COUNCIL DECISION**

**on the signing, on behalf of the European Union, and provisional application of the Protocol setting out the fishing opportunities and financial compensation provided for in the Fisheries Partnership Agreement between the European Community and the Kingdom of Morocco**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43 in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission<sup>2</sup>,

Whereas:

- (1) On 22 May 2006 the Council adopted Regulation (EC) No 764/2006 on the conclusion of the Fisheries Partnership Agreement between the European Community and the Kingdom of Morocco<sup>3</sup>,
- (2) The Protocol determining the fishing opportunities and the financial compensation provided by that Partnership Agreement expired on 27 February 2011,
- (3) On the conclusion of the negotiations, a Protocol was initialled on 25 February 2011,
- (4) The European Union has negotiated with the Kingdom of Morocco (henceforth referred to as 'Morocco') an extension of that Protocol granting European Union vessels fishing opportunities in waters in which Morocco exercises its sovereignty or jurisdiction as regards fishing. To ensure that EU vessels can pursue their fishing activities, Article 12 of the Protocol provides for it to apply provisionally as from 28 February 2011,
- (5) The new Protocol should be signed and applied on a provisional basis, pending the completion of the procedures for its formal conclusion.

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<sup>2</sup> COM \_\_\_\_, OJ \_\_\_\_.

<sup>3</sup> Council Regulation (EC) No 764/2006 of 22 May 2006 (OJ L 141, 29.5.2006, p.1).

HAS ADOPTED THIS DECISION:

*Article 1*

The signature of the Protocol between the European Union and the Kingdom of Morocco setting out the fishing opportunities and financial compensation provided for in the Fisheries Partnership Agreement between the European Community and the Kingdom of Morocco is hereby authorised on behalf of the EU, subject to the conclusion of that Protocol.

The text of the Protocol is attached to this Decision.

*Article 2*

The President of the Council is authorised to designate the person(s) empowered to sign the Protocol on behalf of the European Union, subject to its conclusion.

*Article 3*

The Protocol shall be applied on a provisional basis as from 28 February 2011, in accordance with Article 12 thereof, pending the completion of the procedures for its conclusion.

*Article 4*

This Decision shall enter into force on the date of its adoption.

Done at Brussels,

*For the Council*  
*The President*

## ANNEX

### PROTOCOL

#### **Between the European Union and the Kingdom of Morocco setting out the fishing opportunities and financial compensation provided for in the Fisheries Partnership Agreement between the European Community and the Kingdom of Morocco**

##### Article 1

###### **Period of application and fishing opportunities**

1. For a period of one year from 28 February 2011, the fishing opportunities granted under Article 5 of the Agreement shall be as laid down in the table attached to this Protocol.
2. Paragraph 1 shall apply subject to Articles 4 and 5 of this Protocol.
3. Under Article 6 of the Agreement, vessels flying the flag of a Member State of the European Union (EU) may engage in fishing activities in Moroccan fishing zones only if they are in possession of a fishing licence issued under this Protocol in accordance with the Annex hereto.

##### Article 2

###### **Financial compensation - Methods of payment**

1. For the period referred to in Article 1, the financial compensation referred to in Article 7 of the Agreement shall be EUR 36 100 000<sup>4</sup>.
2. Paragraph 1 shall apply subject to Articles 4, 5, 6 and 10 of this Protocol.
3. The EU shall pay the financial compensation as provided in paragraph 1 no later than four months after the date of signing of this Protocol.
4. The financial compensation shall be paid to the Treasurer-General of the Kingdom into an account opened with the Public Treasury, the references of which shall be communicated by the Moroccan authorities.
5. Subject to Article 6 of this Protocol, the Moroccan authorities shall have full discretion regarding the use to which this financial contribution is put.

##### Article 3

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<sup>4</sup> To this sum is added the amount of fees due by shipowners for the fishing licences supplied under Article 6 of the Agreement and in accordance with the provisions of Chapter I, points 4 and 5, of the Annex to this Protocol.

### **Scientific coordination**

1. The two parties hereby undertake to promote responsible fishing in Moroccan fishing zones based on the principle of non-discrimination between the different fleets fishing in those waters.
2. During the period covered by this Protocol, the EU and the Moroccan authorities shall cooperate to monitor the state of resources in Moroccan fishing zones in joint scientific meetings, pursuant to Article 4(1) of the Agreement.
3. Based on the conclusions of these meetings and the best available scientific advice, the parties shall consult each other within the Joint Committee provided for in Article 10 of the Agreement and, where necessary and by mutual agreement, take measures to ensure the sustainable management of fisheries resources.

### Article 4

#### **Review of fishing opportunities**

1. The fishing opportunities referred to in Article 1 may be increased by mutual agreement insofar as the conclusions of the scientific meetings referred to in Article 3 confirm that such an increase will not endanger the sustainable management of Moroccan resources. In this case the financial compensation referred to in Article 2(1) shall be increased proportionately and pro rata temporis. However, the total amount of the financial contribution paid by the EU shall not be more than twice the amount indicated in Article 2(1).
2. Conversely, if the parties agree to adopt measures as referred to in Article 3, resulting in a reduction in the fishing opportunities provided for in Article 1, the financial contribution shall be reduced proportionally and pro rata temporis. Without prejudice to Article 6 of this Protocol, this financial contribution could be suspended by the EU if the fishing effort laid down in this Protocol cannot be used in its entirety.
3. The allocation of the fishing opportunities among different categories of vessels may also be reviewed by mutual agreement between the parties, provided that any changes comply with any recommendations made by the scientific meetings regarding the management of stocks liable to be affected by such redistribution. The parties shall agree on the corresponding adjustment of the financial compensation should the redistribution of fishing opportunities so warrant.
4. The adjustments of fishing opportunities provided for in paragraph 1, the first sentence of paragraph 2, and paragraph 3 shall be decided by mutual agreement between the two parties in the Joint Committee provided for in Article 10 of the Agreement.

## Article 5

### **Exploratory fishing**

The parties shall encourage exploratory fishing in Moroccan fishing zones, based on the results of research carried out under the authority of the Joint Scientific Committee provided for in this Agreement. To this end, they shall hold consultations whenever one of the parties so requests and determine, on a case-by-case basis, relevant species (such as sponges), conditions and other parameters.

Exploratory fishing authorisations shall be granted for testing purposes for a period of no more than six months.

Where the parties conclude that exploratory fishing trips have produced positive results, new fishing opportunities could be allocated to the EU following the consultation procedure provided for in Article 4 and until the expiry of this Protocol. The financial compensation would be increased as a result.

## Article 6

### **Contribution of the Partnership Agreement to the introduction of a sectoral fisheries policy in Morocco**

1. EUR 13 500 000 of the amount of the financial contribution referred to in Article 2(1) of this Protocol shall be put towards defining and implementing a sectoral fisheries policy in Morocco with a view to introducing responsible fishing in its waters.
2. This contribution shall be allocated and managed by Morocco in the light of objectives and the programming to attain them identified by the two parties by mutual agreement in the Joint Committee, and in accordance with the Fisheries Plan for the development of the fisheries sector.

## Article 7

### **Implementation of the support for the introduction of responsible fishing**

1. On a proposal from Morocco and for the purposes of implementing Article 6 of this Protocol, the EU and Morocco shall agree within the Joint Committee provided for in Article 10 of the Agreement, from the signature of the Protocol, on:
  - a) the guidelines steering the implementation of the priorities of Moroccan fisheries policy aiming to introduce sustainable and responsible fishing, and in particular those referred to in Article 6(2);
  - b) the objectives to be achieved and the criteria and indicators to be used to permit an evaluation of the results obtained.

2. Any amendment of these guidelines, objectives, criteria and evaluation indicators shall be approved by the two parties within the Joint Committee.
3. The allocation by Morocco of the compensation referred to in Article 6(2) shall be notified to the EU at the time when the guidelines, objectives, criteria and evaluation indicators are approved within the Joint Committee.
4. At the end of the month before the expiry of the Protocol, Morocco shall submit a report on the planning of the sectoral support provided for by this Protocol, in particular including its anticipated economic and social impact and its geographical distribution.
5. The two parties shall continue to monitor implementation of the sectoral support, if necessary, beyond the expiry of this Protocol, and during the periods of suspension set out in Article 9 below, and according to the provisions of this Protocol.

#### Article 8

##### **Economic integration of EU operators in the Moroccan fisheries sector**

1. The two parties shall undertake to promote the economic integration of EU operators into the fishing industry in Morocco as a whole.
2. An initiative supported by the European Commission shall be launched with a view to raising awareness among private economic operators in the EU of the commercial and industrial opportunities in Morocco's fishing industry as a whole, including in terms of direct investment.
3. Moreover, as an incentive, Morocco shall grant EU operators landing fish in Moroccan ports, in particular for the purposes of sales to local industries themselves, adding value to these products in Morocco or transporting catches made in Moroccan fishing zones by land, a reduction in the amount of fees, in accordance with the Annex.
4. The two parties shall also decide to set up a task force to identify the obstacles to direct EU investment in the industry and the measures easing the conditions governing such investment.

#### Article 9

##### **Disputes - Suspension of application of the Protocol**

1. Any dispute between the parties over the interpretation of this Protocol or its application shall be the subject of consultations between the parties within the Joint Committee provided for in Article 10 of the Agreement, in a special meeting if necessary.
2. Application of the Protocol may be suspended at the initiative of one party if the dispute between the two parties is deemed to be serious and if the consultations held within the Joint Committee under paragraph 1 have not resulted in an amicable settlement.

3. Suspension of application of the Protocol shall require the interested Party to notify its intention in writing at least three months before the date on which suspension is due to take effect.
4. In the event of suspension, the parties shall continue to consult with a view to finding an amicable settlement to their dispute. Where such settlement is reached, application of the Protocol shall resume and the amount of the financial contribution shall be reduced proportionately and pro rata temporis to the period during which application of the Protocol was suspended.

#### Article 10

##### **Suspension of application of the Protocol on grounds of non-payment**

Subject to Article 4, if the EU fails to make the payment provided for in Article 2, application of this Protocol may be suspended on the following terms:

- a) the competent Moroccan authorities shall notify the European Commission of the non-payment. The latter shall make the necessary verifications and, where necessary, transmit the payment within no more than 30 working days of the date of receipt of the notification;
- b) if no payment is made within the period provided for in Article 2(3) without adequate justification, the competent Moroccan authorities shall be entitled to suspend application of the Protocol. They shall inform the European Commission of such action forthwith;
- c) application of the Protocol shall resume as soon as the payment concerned has been made.

#### Article 11

##### **National law**

The activities of vessels operating under this Protocol and its Annex, in particular transshipment, the use of port services and the purchase of supplies, etc., shall be governed by the applicable national laws of Morocco.

#### Article 12

##### **Provisional application**

This Protocol with its Annex shall apply provisionally from 28 February 2011.

## Article 13

### Entry into force

This Protocol with its Annex shall enter into force on the date on which the parties notify each other of the completion of the respective procedures necessary for that purpose.

### Fishing opportunities

Type of fishing					
Small-scale fishing				Demersal fishing	Industrial pelagic fishing
Pelagic fishing in the north: seine nets	Small-scale fishing in the south: lines, poles, traps	Small-scale fishing in the north: bottom longliners	Small-scale tuna fishing: Pole-and-line vessels	Bottom longliners and bottom trawls, and deep-water multifilament fixed gillnets	C stock
					Tonnage: 60 000 tonnes
20 vessels	20 vessels	30 vessels	27 vessels	22 vessels	

## ANNEX

### Conditions governing fishing activities by EU vessels in Moroccan fishing zones

#### CHAPTER I

#### PROVISIONS GOVERNING APPLICATIONS FOR AND ISSUING OF LICENCES

##### 1. LICENCE APPLICATIONS

1. Only eligible vessels may obtain a licence to fish in Morocco's fishing zones.
2. For a vessel to be eligible, neither the owner, the captain nor the vessel itself must be prohibited from fishing in Morocco. They must be in order vis-à-vis the Moroccan authorities insofar as they must have fulfilled all prior obligations arising from their fishing activities in Morocco under fisheries agreements concluded with the EU.
3. The relevant EU authorities shall submit to the Ministry of Agriculture and Sea Fisheries – Sea Fisheries Department ('the Department') the lists of vessels applying to engage in fishing activities within the limits laid down in the datasheets annexed to the Protocol at least 20 days before the date of commencement of the validity of the licences requested.
4. These lists shall indicate by category of fishing and by zone, the tonnage used, the number of vessels and, for each vessel, the main characteristics and the amount of payments broken down by heading. The "Longliners" and "Small-scale" categories shall also indicate, for each vessel, which gear is to be used during the period covered by the application.
5. A sheet containing all the information required to issue fishing licences shall also be attached to the licence application in a format compatible with the software used by the Department.
6. Individual applications shall be submitted to the Department on a form drawn up in accordance with the specimen in Appendix 1.
7. All licence applications shall be accompanied by the following documents:
  - a copy of the tonnage certificate, duly certified by the flag Member State, giving the tonnage of the vessel;
  - a recent, certified colour photograph showing a side view of the vessel in its current state. The photograph shall be at least 15 cm by 10 cm;
  - proof of payment of fishing licence fees, other fees and the costs of observers;
  - any other documents or certificates required under the specific rules applicable to the type of vessel concerned pursuant to this Protocol.

## **A. ISSUE OF LICENCES**

1. The Department shall issue fishing licences to the Delegation of the EU to Morocco ('the Delegation') for all vessels within 15 days of receipt of all the documents referred to in point 6 above.
2. Fishing licences shall be drawn up in accordance with the information in the datasheets annexed to the Protocol, and shall mention in particular the fishing zone, distance from the coast, the authorised gear, the main species, the authorised mesh sizes, allowable by-catches and the catch quota for pelagic trawlers.
3. Fishing licences shall be issued only for vessels which have complied with all the administrative formalities required.
4. The two parties shall seek agreement for the purposes of promoting the introduction of an electronic licence system.

## **B. VALIDITY AND UTILISATION OF LICENCES**

1. The periods of validity of licences shall be from 28 February 2011 to 27 February 2012.
2. Fishing licences shall be valid only for the period covered by the fees paid and for the fishing zone, type of gear and fishing category specified in the licence in question.
3. Fishing licences shall be issued for a given vessel and shall not be transferable. However, in the event of force majeure duly established by the competent authorities of the flag Member State and at the request of the EU, a licence issued for one vessel shall be replaced as soon as possible by a licence issued for another vessel of the same category on condition that the tonnage authorised for that category is not exceeded.
4. The owner of the first vessel, or the agent, shall return the cancelled fishing licence to the Department, via the Delegation.
5. Fishing licences must be held on board the eligible vessel at all times and presented to the inspection authorities on inspection.
6. Fishing licences shall be valid for one year, six months or three months. For industrial pelagic fishing, however, monthly fishing licences may be granted and renewed.

## **C. FISHING LICENCE FEES AND OTHER FEES**

1. Annual fees for fishing licences shall be fixed by Moroccan legislation in force.
2. Licence fees shall cover the calendar year in which the licence is issued and shall be payable when the first licence for that year is applied for. The amounts of such licence fees shall include all related fees and taxes, with the exception of port taxes and service charges.

3. As well as the fishing licence fees, other fees shall be calculated for each vessel on the basis of the rate laid down in the datasheets annexed to the Protocol.
4. The fees shall be calculated in proportion to the period for which the fishing licence is effectively valid.
5. Any amendment to the legislation governing fishing licences shall be notified to the Delegation no later than two months before its entry into force.

#### **D. METHODS OF PAYMENT**

Fishing licence fees, other fees and the costs of observers shall be payable, in the name of the Ministerial Treasurer of the Ministry of Agriculture and Sea Fisheries, into bank account number 001 810 0078251501 1075 61 71 at the Bank Al Maghrib (Morocco) before the fishing licences are issued.

The fee for catches by pelagic trawlers shall be paid in quarterly instalments, at the end of the quarter following that in which those catches were made.

#### CHAPTER II

##### **PROVISIONS APPLICABLE TO VESSELS FISHING HIGHLY MIGRATORY SPECIES (TUNA VESSELS)**

1. The fee shall be EUR 25 per tonne caught within Morocco's fishing zones.
2. Licences shall be issued for one calendar year following payment of an advance of EUR 5 000 per vessel.
3. The advance shall be calculated in proportion to the duration for which the licence is valid.
4. Captains of vessels holding licences for the fishing of highly migratory species shall keep an up-to-date logbook in line with the model in Appendix 6 of the Annex.
5. They shall also forward a copy of that logbook to their competent authorities no later than 15 days before the end of the third month following the month to which it relates. These authorities shall forward the copies immediately to the Delegation, which shall send them to the Department before the end of the third month following the month to which they relate.
6. By 30 April the Delegation shall submit to the Department a statement of fees due for the previous fishing year on the basis of the catch declarations made by each shipowner and confirmed by the scientific institutes responsible for verifying catch data in the Member States, such as the IRD (Institut de Recherche pour le Développement), the IEO (Instituto Español de Oceanografía), the INIAP (Instituto Nacional de Investigação Agrária e das Pescas) and the INRH (Institut National de Recherche Halieutique).
7. The statement of the fees due for the previous year shall be notified within 4 months of expiry of the Agreement.

8. The final statement shall be sent to the shipowners concerned, who shall have 30 days, from the notification of approval of the figures by the Department, within which to discharge their financial obligations to the competent national authorities. Payment made out in euro in the name of the Treasurer-General of Morocco into the account mentioned in point 5 of Chapter I, shall be sent to the Department by the Delegation no later than one and a half months after that notification.
9. However, if the amount of the final statement is less than the advance, the difference shall not be reimbursable.
10. Shipowners shall take all the necessary steps to ensure that the copies of the logbook are sent and any additional payments made within the deadlines given in points 6 and 7.
11. Failure by the shipowner to comply with the obligations provided for in points 6 and 7 shall entail automatic suspension of the fishing licence until such obligations have been met.

### CHAPTER III

#### FISHING ZONES

The fishing zones for each type of fishery in Morocco's Atlantic zone are defined in the datasheets (Appendix 2). Morocco's Mediterranean zone, located east of 35°48'N – 6°20'W (Cape Spartel), shall be excluded from this Protocol.

### CHAPTER IV

#### DETAILS OF IMPLEMENTATION OF EXPERIMENTAL FISHERIES

The two parties shall decide jointly on which European operators shall practice exploratory fishing, the most favourable period for such fishing and the conditions applicable. To facilitate exploratory work by vessels, the Department shall forward any available scientific data and other basic data.

The Moroccan private sector shall be closely associated (coordination and dialogue on the arrangements for exploratory fishing).

Length of the campaigns: maximum six months and minimum three months, unless changed by the parties by joint agreement.

Selection of candidates for the implementation of the exploratory fishing trips:

The European Commission shall communicate to the Moroccan authorities the requests for licences for exploratory fishing. It shall provide a technical dossier specifying:

- the technical characteristics of the vessel;
- the level of expertise of the vessel's officers as regards that fishery;
- the proposal for the technical parameters of the trip (length, gear, exploration regions, etc.).

The Department shall organise a dialogue regarding the technical aspects with the European Commission, on the one hand, and the shipowners concerned, on the other, if it considers it necessary.

Before the start of the trip, the vessel owners shall submit to the Moroccan authorities and to the European Commission:

- a declaration of the catches already on board;
- the technical characteristics of the fishing gear to be used during the trip;
- an assurance that they comply with Moroccan fisheries legislation.

During the exploratory fishing trip, the owners of the vessels concerned shall:

- send the Moroccan authorities and the European Commission a weekly report detailing the daily catches made and, for each haul, specifying the technical parameters of the trip (position, depth, date and time, catches and other observations or comments);
- communicate the vessel's position, speed and heading by VMS;
- ensure that a Moroccan scientific observer or an observer chosen by the Moroccan authorities is on board. The role of the observer will be to gather scientific information from the catches, as well as to sample the catches. Observers shall be treated in the same way as a ship's officer, and the shipowner shall cover their living costs during their stay on the vessel. The decision on the observer's time on board, the length of their stay and the boarding and landing harbour will be fixed in agreement with the Moroccan authorities. Unless there is agreement between the parties to the contrary, the vessel will never be obliged to put into harbour more than once per two months,
- submit their vessel to an inspection before it leaves Moroccan waters if the Moroccan authorities so request,
- comply with Morocco's fisheries legislation.

Catches, including by-catches, made during the scientific trip shall remain the property of the shipowner, provided they comply with the provisions adopted to this end by the Joint Committee.

The Moroccan authorities shall designate a contact person responsible for addressing any unforeseen problems that might hinder the development of exploratory fishing.

## CHAPTER V

### PROVISIONS APPLICABLE TO SATELLITE MONITORING OF EU FISHING VESSELS IN MOROCCAN FISHING ZONES ON THE BASIS OF THIS AGREEMENT

1. All fishing vessels with an overall length exceeding 15 metres operating under this Agreement shall be tracked by satellite when fishing in Moroccan fishing zones.
2. For the purposes of satellite monitoring, the Moroccan authorities shall communicate to the EU the coordinates (latitudes and longitudes) of the Moroccan fishing zones.

The Moroccan authorities shall transmit this information in electronic form, expressed in degrees, minutes and seconds.

3. The Parties shall exchange information on X.25 addresses and the specifications for electronic data transmission between their Control Centres in accordance with points 5 and 7. Such information shall include the following, where they exist: names, telephone and fax numbers, and e-mail addresses (Internet or X.400) which may be used for general communications between Control Centres.
4. The position of vessels shall be determined with a margin of error of less than 500 metres and a confidence interval of 99%.
5. When a vessel which is fishing under the Agreement and is the subject of satellite-tracking under EU legislation enters the Moroccan fishing zones, the subsequent position reports (vessel identification, longitude, latitude, course and speed) shall be transmitted immediately by the Control Centre of the flag state to Morocco's Fisheries Monitoring and Control Centre (FMC) at intervals of no more than two hours. The messages concerned shall be identified as position reports.
6. The messages specified in point 5 shall be transmitted electronically in X.25 format, or any other secure protocol. They shall be communicated in real time in the format set out in Table II.
7. Where the continuous satellite-tracking equipment installed on board a fishing vessel develops a technical fault or breaks down, the captain of the vessel shall transmit the information specified in point 5 by fax to the Control Centre of the flag State and to Morocco's FMC in good time. It will be necessary in those circumstances to send a global position report every four hours. This global position report shall include the position reports as recorded by the captain of the vessel on a two-hourly basis in accordance with the requirements laid down in point 5.

The Control Centre of the flag State shall send these messages immediately to Morocco's FMC. The faulty equipment shall be repaired or replaced within a period of not more than one month. Where this deadline is not met, the vessel in question must leave the Moroccan fishing zones or return to a Moroccan port.

8. The Control Centres of the flag States shall monitor the movements of their vessels in Moroccan waters at hourly intervals. If the vessels are not being monitored in accordance

with the conditions laid down, the Moroccan FMC shall be informed immediately and the procedure laid down in point 7 shall apply.

9. If the Moroccan FMC establishes that the flag State is not transmitting the information specified in point 5, the competent European Commission departments shall be informed immediately.
10. The surveillance data communicated to the other party in accordance with these provisions is intended solely for the Moroccan authorities for the purposes of controlling and monitoring the EU fleet fishing under the EU/Morocco Fisheries Agreement. Such data may not under any circumstances be communicated to other parties.
11. The satellite-monitoring system software and hardware components shall be reliable and shall not permit the input or output of false positions or be capable of being manually overridden.

The system shall be fully automatic and operational at all times regardless of environmental and weather conditions. Destroying, damaging, rendering inoperative or tampering with the satellite-monitoring system shall be prohibited.

Captains shall ensure that:

- data are not altered in any way;
  - the antenna or antennas connected to the satellite-tracking equipment are not obstructed in any way;
  - the power supply of the satellite-tracking equipment is not interrupted in any way and
  - the satellite-tracking equipment is not removed from the vessel.
12. The Parties agree to exchange upon request information on the equipment used for satellite monitoring, in order to ensure that each piece of equipment is fully compatible with the requirements of the other Party for the purposes of these provisions. A first meeting to this end shall be organised before the entry into force of the Agreement.
  13. Any dispute over the interpretation or application of these provisions shall be the subject of consultation between the Parties within the Joint Committee provided for in Article 10 of the Agreement.
  14. The parties agree to amend, if necessary, these provisions within the Joint Committee provided for in Article 10 of the Agreement.

## Chapter VI

### CATCH REPORTING

(1) Logbook.

1. Captains of vessels shall use the logbook specially designed for fishing in Morocco's fishing zones and keep this logbook up-to-date in accordance with the provisions of the explanatory note for that logbook.
2. Shipowners shall send a copy of the logbook to their competent authorities no later than 15 days before the end of the third month following the month to which it relates. These authorities shall forward the copies immediately to the Delegation, which shall send them to the Department before the end of the third month following the month to which they relate.
3. Failure by shipowners to comply with the obligations provided for in paragraphs 1 and 2 shall entail automatic suspension of the fishing licence until such obligations have been met.

(2) Quarterly catch declarations

1. By the end of the third month of each quarter the Delegation shall notify the Department of the quantities caught by all EU vessels in the previous quarter.
2. This information should be broken down by month, by type of fishing, by vessel and by species specified in the logbook.
3. This data shall also be sent to the Department in a computer file in a format compatible with software used by the Ministry.

(3) Reliability of data

The information in the documents referred to in points 1 and 2 above must reflect the actual fishing situation in order to constitute one of the bases for monitoring changes in stocks.

## CHAPTER VII

### EMBARKATION OF MOROCCAN SEAMEN

1. Shipowners with fishing licences under this Agreement shall take on board, for the entire period of their presence in Moroccan waters, Moroccan seamen as follows:
  - a) Pelagic trawlers
    - of less than 150 GT: voluntary embarkation of Moroccan seamen;
    - of less than 5000 GT: six seamen

– equal to or greater than 5 000 GT: eight seamen.

However, if these vessels operate for less than one month per year in the Moroccan fishing zones, they shall be exempted from the obligation to embark Moroccan seamen.

Furthermore, if the fishing licences of these vessels are renewed for a period of more than one month a year, the shipowners concerned shall pay the lump sum provided for in point 10 of this Chapter for the first month. From the first day of the second month of the fishing licence, they shall be required to comply with their obligation to embark Moroccan seamen;

b) Small-scale fishing in the north: voluntary embarkation of Moroccan seamen;

c) Small-scale fishing in the south: two seamen;

d) Seiners in the north: two seamen;

e) Deepwater trawlers and bottom longliners: eight seamen.

f) Pole-and-line tuna vessels: three seamen.

2. Shipowners shall be free to select the seamen they take on board their vessels.
3. The fishermen's employment contracts shall be drawn up between the shipowners or their representatives and the fishermen.
4. The shipowner or agent shall inform the Department of the names of the Moroccan seamen taken on board the vessel concerned, mentioning their position in the crew.
5. The International Labour Organisation (ILO) Declaration on Fundamental Principles and Rights at Work shall apply as of right to seamen signed on by European vessels. This concerns in particular the freedom of association and the effective recognition of the right to collective bargaining, and the elimination of discrimination in respect of employment and occupation.
6. Moroccan seamen's employment contracts, a copy of which shall be given to the signatories, shall be drawn up between the shipowners' agent(s) and the seamen and/or their trade unions or representatives in consultation with the competent Moroccan authorities. These contracts shall guarantee the seamen the social security cover applicable to them, including life assurance and sickness and accident insurance.
7. Shipowners or their agents shall send, within two months of the issue of the licence, a copy of that contract duly signed by the competent authorities of the Member State concerned direct to the Department.
8. Moroccan seamen's wages shall be paid by the shipowners. They shall be fixed, before licences are issued, by mutual agreement between the shipowners or their agents and the Moroccan seamen concerned or their representatives. However, the wage conditions granted to Moroccan seamen shall not be lower than those applied to Moroccan crews and shall comply with ILO standards and under no circumstances be below those standards.

9. If one or more seamen employed on board fail to report at the time agreed for the vessel's departure, the vessel shall be permitted to start the planned trip after informing the competent authorities in the port of embarkation of the shortfall in the number of seamen required and having updated its crew list. These authorities shall inform the Department thereof.

The shipowner shall take all necessary steps to ensure that the number of seamen required by this Agreement are signed on by the vessel by the next trip at the latest.

10. Where no Moroccan seamen are taken on board for reasons other than that specified in the previous point, owners of EU vessels shall be obliged to pay as soon as possible a flat-rate amount of EUR 20 per day of fishing in the Moroccan fishing zone per seaman within a maximum of three months.

This sum shall be used for training Moroccan fishermen and shall be paid into the account specified in point 5 of Chapter I.

11. On 1 July 2011 and 1 January 2012, the Delegation shall send the Department a list of Moroccan seamen taken on board EU vessels, with details of their registration as crew members and the vessels concerned.

12. Except as provided for in point 9, repeated failure by shipowners to comply with the embarkation of the requisite number of Moroccan seamen shall result in automatic suspension of the vessels' fishing licence until such obligations have been met.

## CHAPTER VIII

### MONITORING AND OBSERVATION OF FISHING

#### A. OBSERVATION OF FISHING

1. Vessels authorised to fish in Moroccan fishing zones under the Agreement shall take on board observers appointed by Morocco on the terms set out below.
- 1.1 25% of authorised vessels over 100 GT shall take on board observers each quarter.
- 1.2 Industrial pelagic vessels shall take a scientific observer on board for the entire period of activity in Moroccan waters.
- 1.3 Other Community fishing vessels of a tonnage not exceeding 100 GT shall be observed during a maximum of ten voyages per year and per category of fishing.
- 1.4 The Department shall draw up a list of vessels designated to take an observer on board and a list of appointed observers. These lists shall be sent to the Delegation as soon as they have been drawn up.
- 1.5 The Department shall inform the shipowners concerned, through the Delegation, of the name of the observer appointed to be taken on board their vessel at the time the licence is issued, or no later than 15 days before the observer's planned embarkation date.

2. Observers shall be on board pelagic trawlers on a permanent basis. For the other categories of fishing, observers shall spend at one voyage per vessel on board.
3. The conditions under which observers are taken on board shall be agreed between shipowners or their agents and the Moroccan authorities.
4. Observers shall be taken on board at a port chosen by the shipowner at the beginning of the first voyage in Moroccan waters after notification of the list of designated ships.
5. Within two weeks and giving ten days' notice, the shipowners concerned shall make known at which Moroccan ports and on what dates they intend to take observers on board.
6. Where observers are taken on board in a foreign country, their travel costs shall be borne by the shipowner. Should a vessel with a Moroccan observer on board leave the Moroccan fishing zones, all measures must be taken to ensure the observer's return to Morocco as soon as possible at the expense of the shipowner.
7. In the event of wasted journeys by scientific observers, due to failure by shipowners to comply with their commitments, shipowners shall pay their travel expenses, and daily allowances, equal to those received by Moroccan national officials of an equivalent grade, for the days of inactivity by the observers. Similarly, in the event of a delay in embarkation which is due to the shipowner, the shipowner shall pay the scientific observer the daily allowances described above.

Any amendment to the rules and regulations concerning daily allowances shall be notified to the Delegation no later than two months before its entry into force.

8. If the observer is not present at the time and place agreed and during the twelve hours following the time agreed, the shipowner shall be automatically absolved of his obligation to take the observer on board.
9. Observers shall be treated as officers. They shall carry out the following tasks:
  - 9.1 observe the fishing activities of the vessels;
  - 9.2 verify the position of vessels engaged in fishing operations;
  - 9.3 perform biological sampling in the context of scientific programmes;
  - 9.4 note the fishing gear used;
  - 9.5 verify the catch data for Moroccan waters recorded in the logbook;
  - 9.6 verify the percentages of by-catches and estimate the quantity of discards of species of marketable fin-fish, crustaceans and cephalopods;
  - 9.7 report fishing data by fax or by radio, including the quantity of catches and by-catches on board.

10. Captains shall do everything in their power to ensure the physical safety and welfare of observers during performance of their duties.
11. Observers shall be offered every facility needed to carry out their duties. Captains shall facilitate their access to the means of communication needed for the discharge of their duties, to documents directly concerned with the vessel's fishing activities, in particular the logbook and the navigation log, and to those parts of the vessel necessary to facilitate the exercise of their tasks as observer.
12. While on board, observers shall:
  - 12.1 take all appropriate steps to ensure that the conditions of their boarding and presence on the vessel neither interrupt nor hamper fishing operations;
  - 12.2 take care of the material and equipment on board and respect the confidentiality of all documents belonging to that vessel.
13. At the end of the observation period and before leaving the vessel, observers shall draw up an activity report to be transmitted to the competent authorities in Morocco, with a copy to the Delegation of the European Union. They shall sign it in the presence of the captain, who may add or cause to be added to it any observations considered relevant, followed by the captain's signature. A copy of the report shall be given to the captain when the observer is put ashore.
14. Shipowners shall bear the cost of accommodating observers in the same conditions as the officers on the vessel, within the confines of the structure of the vessel.
15. The salary and social contributions of the observer shall be borne by the competent Moroccan authorities.
16. In order to reimburse Morocco for the costs arising from the presence of observers on board vessels, in addition to the fee payable by shipowners, 'costs of scientific observers' shall be payable at a rate EUR 3.5 per GT per quarter per vessel fishing in Moroccan fishing zones.

These costs shall be paid at the same time as the quarterly payments in accordance with point 5 of Chapter I of the Annex.
17. Failure by the shipowner to comply with the obligations laid down in point 4 shall result in automatic suspension of the fishing licence until such obligations have been met.

## B. JOINT MONITORING OF FISHING

The contracting parties shall set up a system of joint monitoring and observation of checks on landings, with the aim of improving the effectiveness of control so as to ensure compliance with the provisions of this Agreement.

To this end, the competent authorities of each contracting party shall designate a representative to attend checks on landings and observe the arrangements for conducting such checks, notifying their name to the other contracting party.

The representative of the Moroccan authority shall attend inspections on landings by vessels which have operated in the Moroccan fishing zones carried out by the national inspection authorities of the Member States as an observer.

The representative shall accompany national inspection officials in their visits to ports, on board vessels, in dock, to auctions, fish wholesalers' shops, coldstores and other premises for landing fish before it is placed on the market, and shall have access to the documents which are the subject of these inspections.

The representative of the Moroccan authority shall draw up and submit a report detailing the inspections attended.

The Department shall invite the Delegation to attend inspection visits scheduled in the ports of landing giving ten days' notice.

At the request of the European Commission, European fishing inspectors may attend as observers inspections carried out by the Moroccan authorities on landing operations by European vessels in Moroccan ports.

The practical arrangements for these operations will be laid down by mutual agreement between the competent authorities of the two parties.

## CHAPTER IX

### MONITORING

1. The EU shall keep an up-to-date list of the vessels to which a fishing licence has been issued under this Protocol. This list shall be notified to the Moroccan authorities responsible for fisheries inspection as soon as it is drawn up and each time it is updated.
2. Technical inspection
  - 2.1 Once a year and after any alteration in tonnage or changes to the fishing category necessitating the use of a different type of gear, EU vessels covered by point 1 above shall report to the Moroccan port to undergo the inspections required by the legislation in force. Such inspections shall take place within 48 hours of the vessel's arriving in port.
  - 2.2 Once the inspection has been completed satisfactorily, the captain of the vessel shall be issued with a certificate having the same period of validity as the licence and which shall be automatically extended in the case of vessels renewing their licence within the year. However, the maximum validity may not exceed one year. This certificate must be kept on board at all times.
  - 2.3 The technical inspection shall verify that the vessel's technical characteristics and gear conform to the provisions of the Agreement and that the provisions relating to its Moroccan crew have been complied with.
  - 2.4 The cost of the inspection shall be borne by the shipowner at the rates laid down by Moroccan law. It may not be greater than the amount normally paid by other vessels for the same services.
  - 2.5 Failure by the shipowner to comply with points 2.1 and 2.2 above shall result in automatic suspension of the fishing licence until such obligations have been met.
3. Entering and leaving the zone:
  - 3.1 EU vessels shall notify the Department at least 4 hours in advance of their intention to enter or leave the Moroccan fishing zones.
  - 3.2 When notifying leaving, vessels shall also communicate their position and the volume and species in catches on board. This information should preferably be communicated by fax or, for vessels not equipped with a fax, by radio, the details of which are set out in Appendix 8.
  - 3.3 A vessel found to be fishing without having informed the Department shall be regarded as a vessel without a licence.
  - 3.4 Vessels shall also be informed of the fax and telephone numbers and e-mail address when the fishing licence is issued.
4. Monitoring procedures

- 4.1 Captains of European fishing vessels engaged in fishing activities in Moroccan waters shall allow and facilitate boarding and the discharge of their duties by any Moroccan officials responsible for the inspection and control of fishing activities.
- 4.2 These officials shall not remain on board for longer than is necessary for the discharge of their duties.
- 4.3 Once the inspection and control has been completed, a certificate shall be issued to the captain of the vessel.
5. Boarding
  - 5.1 The Department shall inform the European Commission, within no more than 48 hours, of all boardings of and penalties imposed on European vessels in Moroccan waters.
  - 5.2 The European Commission shall at the same time receive a brief report of the circumstances and reasons leading to the boarding.
6. Statement of boarding
  - 6.1 After the Moroccan authorities responsible for inspection have drawn up a statement, the captain of the vessel shall sign it.
  - 6.2 This signature shall not prejudice the rights of the captain or any defence which he or she may make to the alleged infringement.
  - 6.3 The captain shall take the vessel to the port indicated by the Moroccan authorities responsible for inspection. The vessel in breach of the Moroccan sea fishing legislation in force shall be kept in port until completion of the usual administrative formalities relating to boarding.
7. Settlement of boarding
  - 7.1 Before any judicial procedure, an attempt shall be made to resolve the presumed infringement by means of an amicable settlement. This procedure shall end no later than three working days after the boarding.
  - 7.2 In the event of an amicable settlement, the amount of the fine shall be determined in accordance with Moroccan fisheries legislation.
  - 7.3 If the case cannot be settled by amicable procedure and has to be brought before a competent judicial body, a bank security set to take account of the boarding costs and the fines and compensation payable by the parties responsible for the infringement shall be paid by the shipowner into a bank account specified by the competent Moroccan authorities.
  - 7.4 The bank security shall be irrevocable until the legal proceedings have been concluded. It shall be released once legal proceedings end without a conviction. Similarly, in the event of a conviction leading to a fine of less than the security lodged, the balance shall be released by the competent Moroccan authorities.

7.5 The vessel shall be authorised to leave the port:

- once the obligations arising under the amicable settlement have been fulfilled, or
- when the bank security referred to in point 7.3 has been lodged and accepted by the competent Moroccan authority, pending completion of the legal proceedings.

8. Transhipment

8.1 Any transhipment at sea of catches shall be prohibited in the Moroccan fishing zones. However, European pelagic trawlers wishing to tranship catches in Moroccan waters shall do so in a Moroccan port or other place designated by the competent Moroccan authorities, after authorisation by the Department. Such transhipment shall take place under the supervision of the observer or of a representative of the sea fisheries delegation and the control authorities. Any person infringing this provision shall be liable to the penalties provided for by Moroccan law.

8.2 Before any transhipment, the owners of these vessels must notify the following information to the Department at least 24 hours in advance:

- the names of the transshipping fishing vessels,
- the names of the cargo vessels, their flags, registration numbers and call signs;
- the tonnage by species to be transhipped,
- the destination of catches;
- the date and day of transhipment.

Morocco reserves the right to refuse transhipment if the carrier vessel has carried out illegal, undeclared or unregulated fishing inside or outside the maritime areas under Moroccan jurisdiction.

8.3 Transhipment shall be considered as an exit from the Moroccan fishing zones. Vessels must therefore submit their catch declarations to the Department and state whether they intend to continue fishing or leave the Moroccan fishing zones.

Captains of European pelagic trawlers engaged in landing or transhipment operations in a Moroccan port shall allow and facilitate the inspection of such operations by Moroccan inspectors. Once the inspection and control have been completed in the port, a certificate shall be issued to the captain of the vessel.

## CHAPTER X

### LANDING OF CATCHES

The contracting parties, aware of the benefits of increased integration with a view to joint development of their respective fisheries sectors, have agreed to adopt the following provisions concerning the landing in Moroccan ports a proportion of the catches made by European vessels in Moroccan waters.

The proportion of the catch subject to compulsory landing shall be as indicated in the datasheets annexed to the Agreement.

Financial incentives:

#### 1. Landings

European tuna vessels which opt to land their catches in a Moroccan port shall benefit from a reduction on the fee indicated on datasheet No 5 of EUR 2.5 per tonne fished in Moroccan waters.

An additional reduction of EUR 2.5 per tonne shall be granted where fisheries products are sold in fish markets.

This mechanism shall apply, for all European vessels, up to a maximum of 50 % of the final statement of catches (as defined in Chapter II of the Annex).

European pelagic vessels which choose to land a quantity above the 25 % of compulsory catches laid down in datasheet No 6 in a Moroccan port shall benefit from a reduction of 10 % of the fee for each tonne landed on a voluntary basis.

#### 2. Detailed rules for implementation

Fish markets shall complete a weighing slip for landing operations, as a basis for product traceability.

A statement of sales and deductions shall be drawn up for sales in fish markets.

Copies of the above weighing slips and statements shall be sent to the sea fisheries delegation in the port of landing. Once they have been approved by the Department, the shipowners concerned shall be informed of the amounts that will be refunded to them. These amounts shall be deducted from the fees due for future licence applications.

#### 3. Evaluation

The level of the financial incentives shall be adjusted within the Joint Committee, in accordance with the socio-economic impact of landings.

## APPENDICES

- (a) Licence application form
- (b) Datasheets.
- (c) Communication of VMS messages to Morocco, Position report.
- (d) Limits of Moroccan fishing zones, coordinates of fishing zones
- (e) Address of Moroccan FMC
- (f) ICCAT logbook for tuna fishing
- (g) Catch Report Form. Specimen to be harmonised.
- (h) Details of the radio station of the Moroccan Sea Fisheries Department

Appendix 1

**MOROCCO - EUROPEAN UNION FISHING AGREEMENT**

**APPLICATION FORM FOR A FISHING LICENCE**

I - APPLICANT

1. Name of shipowner: .....
2. Name of the shipowner's association or representative: .....
3. Address of the shipowner's association or representative: .....
4. Telephone: ..... Fax: ..... Telex: .....
5. Name of captain: ..... Nationality: .....

II – VESSEL AND IDENTIFICATION

1. Vessel name: .....
2. Flag country: .....
3. External registration number: .....
4. Home port: ... ..
5. Year and place of construction: ... ..
6. Radio call sign: ..... Call frequency: .....
7. Hull construction material:            Steel       Wood             Polyester       Other

III - TECHNICAL CHARACTERISTICS AND EQUIPMENT

1. Overall length: ..... Width of vessel: .....
2. Tonnage (GT): .....
3. Horsepower of main engine: : ..... Make: ..... Type: .....
4. Type of vessel: ..... Fishing category: .....
5. Fishing gear: .....
6. Crew complement: .....
7. Method of preservation on board:    Fresh       Refrigeration       Mixed       Freezing
8. Freezing capacity in tonnes/24 hours: .....
9. Hold capacity: ..... Number: .....

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

Signature of applicant .....

*Appendix 2*

**Fishing datasheet No 1**

**Small-scale fishing in the north: pelagic species**

Number of vessels authorised	20
Authorised gear	Seine  Maximum authorised dimensions corresponding to the conditions in the zone: 500 m x 90 m.  Ban on fishing with lampara nets.
Type of vessel	<100 GT
Fees	EUR 67 per GT per quarter
Geographical limit	North of 34°18'00''  Beyond 2 miles
Target species	Sardine, anchovy and other small pelagic species
Landing requirement	25%
Biological recovery	Two months: February and March.
Comments	

The fishing conditions for each category shall be agreed each year before the issue of licences.

## Fishing datasheet No 2

### Small-scale fishing in the north

Number of vessels authorised	30
Authorised gear	Bottom-set longline,  Cat. (a): maximum authorised number of hooks per longline = 2 000.  Cat. (b): the maximum authorised number of hooks per longline will be decided at a later date by the Joint Committee in accordance with scientific advice and Moroccan law.
Type of vessel	a) <40 GT: 27 licences  b) > 40 GT and < GT 150: 3 licences
Fees	EUR 60 per GT per quarter
Geographical limit	North of 34°18'00''N  Beyond 6 nautical miles
Target species	Scabbardfish, sparidae and other demersal species
Landing requirement	Voluntary landing
Biological recovery	From 15 March to 15 May
By-catches	0% of swordfish and surface sharks

The fishing conditions for each category shall be agreed each year before the issue of licences.

### Fishing datasheet No 3

#### Small-scale fishing in the south

Number of vessels authorised	20
Authorised gear	Line, pole and traps, limited to a maximum two types of gear per vessel.  The use of longlines, trammel nets, fixed gillnets, driftnets, 'trolls' and croaker nets is prohibited.
Type of vessel	<80 GT
Fees	EUR 60 per GT per quarter
Geographical limit	South of 30°40'N  Beyond 3 nautical miles
Target species	Croaker and sparidae
Landing requirement	Voluntary landing
Biological recovery	-
Authorised net	8 mm net for catching bait, beyond two nautical miles
By-catches	0% of cephalopods and crustaceans, with the exception of 10% of crab; targeted fishing for crab is prohibited.  10% of other demersal species.

\*The fishing conditions for each category shall be agreed each year before the issue of licences.

## Fishing datasheet No 4

### Demersal fishing

Number of vessels authorised	22 vessels with a maximum of 11 trawlers per year.
Authorised gear	- For longliners: . bottom longline; . deep-water multifilament fixed gillnet, - For trawlers: bottom trawl
Type of vessel	Average size of 275 GT, fishing at a depth of more than 200 m for trawlers
Fees	EUR 53 per GT per quarter
Geographical limit	South of 29°N  Beyond the 200 m isobath for trawlers (and 12 nautical miles for longliners)
Target species	Black hake, scabbardfish, leerfish/bonito
Landing requirement	50% of catches made in Morocco
Biological recovery	Only applicable to trawlers.  The biological recovery period is that fixed for cephalopods.
Authorised net	- Trawling: net of min. 70 mm.  Doubling of the cod-end is prohibited.  Doubling of the twine forming the cod-end is prohibited.  The maximum authorised number of hooks per longline will be decided at a later date by the Joint Committee in accordance with scientific advice and Moroccan law.
By-catches	0% of cephalopods and crustaceans, with the exception of crab (5%)

The fishing conditions for each category shall be agreed each year before the issue of licences.

## Fishing datasheet No 5

### Tuna fishing

Number of vessels authorised	27
Authorised gear	Pole-and-line Seine nets for fishing with live bait
Geographical limit	Beyond 3 miles Capture of bait beyond 2 miles All of Morocco's Atlantic zone, apart from a protected area east of a line from 33°30'N/7°35'W to 35°48'N/6°20'W
Target species	Tunas
Landing requirement	A proportion to be landed in Morocco at international market prices
Biological recovery	No
Authorised net	Bait to be caught with 8 mm seine nets
Fees	EUR 25 per tonne fished
Advance	A flat-rate advance of EUR 5 000 is to be paid when applying for annual licences
Comments	

The fishing conditions for each category shall be agreed each year before the issue of licences.

## Fishing datasheet No 6

### Industrial pelagic fishing

Authorised gear	Pelagic or semi-pelagic
Quota allocated	60 000 tonnes per year, maximum 10 000 tonnes per month
Type of vessel	Industrial pelagic trawler
Number of vessels authorised	Maximum: - 5-6 vessels <sup>5</sup> over 3 000 GT/vessel - 2-3 vessels between 150-3 000 GT/vessel - 10 vessels under 150 GT/vessel
Authorised total tonnage of vessels	Maximum:
Geographical limit	South of 29°N, beyond 15 nautical miles from the coasts calculated from the low-water line
Target species	Sardine, sardinella, mackerel, horse mackerel and anchovy
Landing requirement	Each vessel must land 25% of its catches in Morocco
Biological recovery	Authorised fishing vessels must observe all biological recovery periods laid down by the Ministry in the authorised fishing zone and stop any fishing activity there. The Moroccan authorities will notify this decision to the Commission in advance, specifying the period or periods for which there is a prohibition on fishing, and the areas concerned.
Authorised net	The minimum size of the stretched mesh of the pelagic or semi-pelagic trawl is 40 mm. The bag of the pelagic or semi-pelagic trawl may be strengthened with a piece of netting with a minimum mesh size of 400 mm of stretched mesh and by straps placed at least 1.5 metres apart, except for the strap at the back of the trawl which may not be placed less than 2 metres from the window in the bag. The strengthening or doubling of the bag for any other reason is prohibited and the trawl may in no case target species other

<sup>5</sup> This figure regarding the number of vessels may only be amended by agreement between the two parties. Industrial pelagic fishing is managed by limiting the number of vessels fishing simultaneously.

	than the small pelagic species authorised.
By-catches	<p>Maximum: 3.5% of other species.</p> <p>The catch of cephalopods, crustaceans and other demersal and benthic species is strictly prohibited.</p>
Industrial processing	Industrial processing of catches into fishmeal and/or fish oil is strictly prohibited. However, damaged or spoiled fish and the waste resulting from handling catches may be processed into fishmeal or fish oil without exceeding the maximum threshold of 5% of total allowable catches.
Comments	<p>The vessels fall into three categories:</p> <p>Category 1: gross tonnage not exceeding 3 000 GT, ceiling of 12 500 tonnes per year per vessel;</p> <p>Category 2: gross tonnage exceeding 3 000 GT but not exceeding 5 000 GT, ceiling of 17 500 tonnes per year and per vessel;</p> <p>Category 3: gross tonnage exceeding 5 000 GT, ceiling of 25 000 tonnes per year and per vessel.</p>
Number of vessels/fees	<p>Maximum number of vessels authorised to fish at the same time: 18.</p> <p>Shipowner's fees per tonne of allowable catch: EUR 20/tonne.</p> <p>Shipowner's fees per tonne in excess of allowable catch: EUR 50/tonne.</p>

The fishing conditions for each category shall be agreed each year before the issue of licences.

Appendix 3

**COMMUNICATION OF VMS MESSAGES TO MOROCCO**

**POSITION REPORT**

Data Element	Code	Mandatory or Optional?	Comments
Start record	SR	O	System detail – indicates start of record
Addressee	AD	O	Message detail – addressee. Alpha-3 ISO country code
From	FR	O	Message detail – sender. Alpha-3 ISO country code
Flag State	FS	F	
Type of message	TM	O	Message detail – message type ‘POS’
Radio call sign	RC	O	Vessel detail – international radio call sign of vessel
Contracting Party internal reference number	IR	F	Vessel detail – unique Contracting Party number (flag State ISO-3 code followed by number)
External registration number	XR	O	Vessel detail – number marked on side of vessel
Latitude	LA	O	Vessel position detail - position in degrees and minutes N/S DDMM (WGS -84)
Longitude	LO	O	Vessel position detail – position in degrees and minutes E/W DDMM (WGS-84)
Course	CO	O	Vessel course 360° scale
Speed	SP	O	Vessel speed in tenths of knots
Date	DA	O	Vessel position detail – date of record of UTC position (YYYYMMDD)
Time	TI	O	Vessel position detail – time of record of UTC position (HHMM)
End record	ER	O	System detail - indicates end of record

Character set: ISO 8859.1

Each data transmission is structured as follows:

- -     a double slash (//) and field code indicate the start of the message,
- -     a single slash (/) separates the field code and the data.

Optional data elements have to be inserted between the start and end of the record.

Appendix 4

**LIMITS OF MOROCCAN FISHING ZONES**

### COORDINATES OF FISHING ZONES / VMS EU Protocol

Datasheet	Category	Fishing zone (latitude)	Distance from the coast
1	Small-scale fishing in the north: pelagic species	34°18'00"N— 35°48'00"N	Beyond 2 miles
2	Small-scale fishing in the north: longline	34°18'00"N— 35°48'00"N	Beyond 6 miles
3	Small-scale fishing in the south	South of 30°40'00"	Beyond 3 miles
4	Demersal	South of 29°00'00"	Longliners: Beyond 12 miles
			Trawlers: Beyond the 200 metre isobath
5	Tuna fishing	The entire Atlantic apart from the area delimited by: 35°48'N; 6°20'W/33°30'N; 7°35'W	Beyond 3 miles and 2 miles for bait
6	Industrial pelagic fishing	South of 29°00'00"N	Beyond 15 miles

Appendix 5

**ADDRESS OF MOROCCAN FMC**

Name of FMC: CSC (Centre de Surveillance et de Contrôle de la pêche [Fisheries Monitoring and Control Centre])

VMS Tel.: + 212 5 37 68 81 46

VMS Fax: + 212 5 37 68 81 34

VMS e-mail: alaouihamd@mpm.gov.ma; fouima@mpm.gov.ma

DSPCM Tel.:

DSPCM Fax:

Address X25 = not used

Declaration of entries/exits: via radio station (Appendix 8)





Appendix 8

**DETAILS OF THE MOROCCAN SEA FISHERIES DEPARTMENT RADIO STATION**

MMSI:	242 069 000
Call sign:	CNA 39 37
Location:	Rabat
Frequency range:	1.6 to 30 MHz
Class of transmission:	SSB-A1A-J2B
Transmission power:	800 W

Working frequencies

Bands	Channels	Transmission	Reception
Band 8	831	8 285 kHz	8 809 kHz
Band 12	1206	12,245 kHz	13 092 kHz
Band 16	1612	16,393 kHz	17 275 kHz

Station operating hours

Period	Times
Working days	from 08.30 to 16.30
Saturday, Sunday and public holidays	from 09.30 to 14.00

VHF:	Channel 16	Channel 70 ASN
Radio Telex:		
	Type:	DP-5
	Class of transmission:	ARQ-FEC
	Number:	31356
Fax:		
	Numbers	212 5 37 68 82 13/45