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ANNEX 1

## **ANNEX**

**to the**

### **Proposal for a COUNCIL DECISION**

**on the signing, on behalf of the European Union, and the provisional application of the Protocol initialled on 20 March 2015 setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community on the one hand, and the Government of Denmark and the Home Rule Government of Greenland, on the other hand**

## ANNEX

### **Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Community on the one hand and the Government of Denmark and the Home Rule Government of Greenland, on the other**

#### *Article 1*

##### *Duration*

This Protocol and the Annex thereto shall apply for a period of five years beginning on 1 January 2016.

#### *Article 2*

##### *Principles*

1. Union fishing vessels shall only carry out their activities in the Greenlandic fishing zone if they are in possession of a fishing authorisation issued under this Protocol. The Greenlandic competent authorities shall only issue fishing authorisations to Union fishing vessels under this Protocol.
2. Greenland undertakes to offer a preferential access to available surpluses to the Union's fleet.
3. In accordance with Article 3(1) of the Agreement, Greenland undertakes not to grant more favourable conditions than those laid down in this Protocol to segments of other foreign fleets present in its fishing zone whose vessels have the same characteristics and target the same species as those covered by this Protocol and the Annex thereto.
4. Both Parties undertake to inform each other of any fishing opportunities granted to foreign fleets as well as the overall TACs fixed for each species as listed in Article 3(1).
5. This Protocol aims at the mutual benefit of the Parties by ensuring the sustainable exploitation of surpluses. To this end, both Parties cooperate notably in view of the sustainability of joint migratory stocks in the North Atlantic.
6. Both Parties uphold fundamental rights as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms, including work-related rights.

#### *Article 3*

##### *Indicative fishing opportunities and process to fix their annual level*

1. The Greenlandic competent authorities authorise Union fishing vessels to engage in fishing activities for the species listed below according to the following annual indicative level (in tonnes):

Stock components in	Indicative Opportunities
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the Greenlandic fishing zone	
Cod in ICES V, XII, XIV and in NAFO 1F <sup>1</sup>	1800
Pelagic redfish in ICES V, XII, XIV and in NAFO 1F <sup>2</sup> , unless fished under the pelagic redfish flexibility scheme Appendix 4 to the Annex	2200
Demersal redfish in ICES V, XIV & V and in NAFO 1F <sup>3</sup>	2000
Greenland Halibut in NAFO 1 – South of 68°North	2500
Greenland Halibut in ICES Subareas V, XII & XIV <sup>4</sup>	5200
Northern Prawn in NAFO Subarea 1	2600
Northern Prawn in ICES Subareas XIV & V	5100
Capelin in ICES Subareas XIV & V <sup>5</sup>	20 000
Grenadier spp. in ICES Subareas XIV & V <sup>6</sup>	100

<sup>1</sup> Following results to be assessed by the ICES Advisory Committee on the ongoing genetic investigations, tagging experiments and fisheries independent surveys at sea carried out on the different components of Atlantic cod (*Gadus morhua*) in Greenland waters and more particularly on spawners located West Greenland inshore, West Greenland offshore and East Greenland offshore, and considering the up-to-date advice and management recommendations to be released by ICES on a yearly basis, the Joint Committee will revise or adjust the indicative fishing opportunities for cod accordingly in line with the provisions of Article 3(2) and 3(3).

<sup>2</sup> To be fished with pelagic trawls.

<sup>3</sup> To be fished with trawls.

<sup>4</sup> To be fished by no more than 6 vessels at the same time. This effort limitation may be revised in the light of a multi-annual management plan to be agreed between Coastal States.

<sup>5</sup> When catchable, the Union can fish 7.7% of the capelin TAC during the fishing season from 20 June to 30 April of the following year, in line with the provisions of Article 3(2) and 3(3).

Grenadier spp. in in NAFO Subarea 1 <sup>7</sup>	100
By-catch	1 126

2. For each year of the duration of the Protocol and no later than 1 December of the previous year, the Joint Committee shall adopt the actual level of the fishing opportunities for the species listed above, based on the indicative level set out in paragraph 1 and taking into account available scientific advice, relevant management plans adopted by Regional Fisheries Management organisations, the precautionary approach and the needs of the fishing industry
  - (a) If the actual fishing opportunities for some species are lower than those indicated in paragraph 1, the Joint Committee shall compensate with other fishing opportunities in the same year. If no compensation is agreed, the Joint Committee shall adjust the financial contribution referred to in point (a) of Article 4(2) proportionately.
  - (b) If the actual fishing opportunities are higher than those indicated in paragraph 1, the Joint Committee shall adjust the financial contribution referred to in point (a) of Article 4(2) proportionately.
3. Beyond the annual process as described in paragraph 2, in accordance with Article 2(2), additional fishing opportunities for the species listed in paragraph 1 may be offered by Greenland and accepted in whole or in part by the Union. In such circumstances, the Joint Committee shall adopt in a special meeting the additional fishing opportunities and adjust the financial contribution referred to in point (a) of Article 4(2) proportionately. The Union competent authorities shall provide Greenland with a response no later than six weeks after receipt of the offer.
4. The fishing opportunities for Northern Prawn in ICES Subareas XIV and V may be fished in NAFO Subarea 1 provided that arrangements for transfers between ship owners from Greenland and the European Union have been established on a company-to-company basis. The Greenlandic authorities shall undertake to facilitate such arrangements on receipt of a request from the European Commission on behalf of Member States concerned. The maximum annual amount to be transferred, subject to scientific advice, shall be 2.000 tonnes. The fishery carried out by the Union vessels shall take place on the same conditions as those provided for in relation to a fishing authorisation issued to a Greenlandic ship owner subject to the provisions of Chapter I of the Annex.
5. Management of the by-catch
 

Union fishing vessels operating in the Greenlandic fishing zone shall abide by the applicable rules on by-catch, both for regulated and non-regulated species and on a discard ban.

<sup>6</sup> Roundnose Grenadier and Rough-head Grenadier shall not be targeted and catches shall only be taken as by-catch in association with other targeted species and shall be reported separately.

<sup>7</sup> Roundnose Grenadier and Rough-head Grenadier shall not be targeted and catches shall only be taken as by-catch in association with other targeted species and shall be reported separately.

- (a) By-catches are defined as catches of all marine living organisms where these are not mentioned as target species on the fishing authorization of the vessel or do not meet the minimum size requirements.
- By-catch is limited to a rate of 5% in the Northern prawn fisheries and 10% in other fisheries.
- No specific fishing authorisation is granted for by-catches.
- (b) All by-catches must be recorded and reported.
- (c) No specific fishing authorisation fee shall be paid for by-catches, considering that fees laid down in the Annex to the Protocol for target species have been fixed taking into account rules on authorised by-catches.
- (d) In addition and without prejudice to the by-catch rates and rules mentioned under points (a) to (c) above, Union vessels shall implement fishing strategies to ensure by-catches of redfish and cod in Greenland halibut directed fisheries, by-catches of redfish and Greenland halibut in cod directed fisheries and by-catches of cod and Greenland halibut in redfish directed fisheries do not exceed 5 % of the authorised catches for the targeted species by trip. A trip is the period between an entry into and an exit from the Greenlandic fishing zone. In case a vessel is fully unloaded in a Greenlandic port, subsequent catches are treated as a new trip.
- (e) The maximum percentage of authorised by-catch of cod, redfish and Greenland halibut shall be indicated in the fishing authorisation for the targeted species.
- (f) By-catches and their specific composition shall be assessed annually in the framework of the Joint Committee.
- (g) If by-catches of cod, redfish and Greenland halibut exceeds the maximum quantity referred to under point (e), the excess shall be counted against the authorised quantity for the targeted species indicated on the fishing authorisation using a multiplying factor of 3.
- (h) All by-catches of cod, redfish and Greenland halibut taken by Union fishing vessels in either Northern prawn, cod, redfish or Greenland halibut directed fisheries shall be counted against the by-catch reserve specified in article 3(1).

#### *Article 4*

##### *Financial contribution – Methods of payment*

1. For the period referred to in Article 1 of this Protocol, the financial contribution of the Union referred to in Article 7 of the Agreement shall be EUR 16 099 978 per year.
2. This financial contribution shall comprise:
  - (a) an annual amount for the access to the Greenlandic fishing zone of EUR 13 168 978 subject to Article 3(2) and (3), and Article 8;
  - (b) a specific amount of EUR 2 931 000 per year for the support and implementation of Greenlandic sectoral fisheries policy.

3. A financial reserve of EUR 1 700 000 shall be established to compensate for the additional fishing opportunities set by the Joint Committee in line with Article 3(2) and (3), and for any new fishing opportunities set in line with Article 8. For those additional and new fishing opportunities the Union shall pay the sum of 17,5% of the reference price as indicated in Chapter I of the Annex.
4. The total amount of the financial contribution paid by the Union shall not be more than twice the amount indicated in point (a) of Article 4(2).
5. The Union shall pay the amount as set out in point (a) of paragraph 2 no later than 30 June in the first year and no later than 1 March in the following years and any additional amounts from the financial reserve, by the same dates or as soon as possible thereafter. The Union shall pay the specific amount as set out in point (b) of paragraph 2 no later than 30 June in the first year and no later than 1 June in the following years.
6. The Greenlandic authorities shall have full discretion regarding the use of the financial contribution as specified in point (a) of paragraph 2.
7. The financial contribution shall be paid into a Public Treasury account opened with a financial institution specified by the Greenlandic authorities.

#### *Article 5*

##### *Promotion of Responsible Fishing - Sectoral support*

1. The financial contribution for sectoral support as set out in point (b) of Article 4(2) shall be separate from the payments for access costs. It shall be determined by and conditional on the achievements of Greenlandic sectoral fisheries policy objectives, identified by the Joint Committee, and in the light of the annual and multiannual programming to attain them.
2. As soon as this Protocol starts to apply and no later than three months after that date, the Joint Committee shall agree on a multiannual sectoral programme and detailed implementing rules covering, in particular:
  - (a) annual and multiannual guidelines for using the part of the financial contribution referred to in point (b) of Article 4(2) for the initiatives to be carried out each year;
  - (b) the objectives, both annual and multiannual, to be achieved with a view to securing a continuation, over time, of responsible fishing and sustainable fisheries, taking account of the priorities expressed by Greenland in its national fisheries policy and other policies relating to or having an impact on the continuation of responsible fishing and sustainable fisheries;
  - (c) criteria and procedures for evaluating the results obtained each year.
3. Any proposed amendments to the multiannual sectoral programme must be agreed to by the Joint Committee.
4. The financial contribution for sectoral support shall be paid based on a detailed analysis of the outcomes of the sectoral support and of the needs identified during the programming. The Union may suspend, partially or totally, payment of this specific financial contribution:

- (a) if the results obtained are inconsistent with the programming, following an evaluation carried out by the Joint Committee;
- (b) in the event of failure to implement this financial contribution in line with the agreed programming.

Suspension of the payment shall require the Union to notify its intention in writing at least three months before the date on which suspension is due to take effect

Payment of the financial contribution shall resume after consultation and agreement by the Parties, and/or if the results of the financial implementation referred to in paragraph 5 so warrant.

- 5. The Joint Committee is responsible for the follow up of the implementation of the multi-annual sectoral support programme. If necessary, both parties shall continue this follow up through the Joint Committee, after the expiry of the Protocol until the specific financial counterpart related to sectoral support foreseen in point (b) of Article 4(2) has been fully utilised.

#### *Article 6* *Scientific cooperation*

- 1. Both Parties undertake to promote cooperation as regards responsible fishing in the Greenlandic fishing zone, including at a regional level, in particular within NEAFC and NAFO and any other sub-regional or international body concerned. The Joint Committee may adopt measures to ensure the sustainable exploitation of the fishery resources in the Greenlandic fishing zone, in compliance with relevant conservation and management measures.

#### *Article 7* *Experimental Fisheries*

- 1. Parties will cooperate including in the framework of Article 5 to implement sustainable experimental fisheries for species and stocks not included in Article 3(1) through the process outlined in Chapter VI of the Annex and without consequence for the Union's financial contribution as set out in point (a) of Article 4(2).
- 2. When the Parties conclude that an experimental fishery according to paragraph 1 has achieved positive results and when new fishing opportunities are set by the Joint Committee in line with the provisions of Article 2(2), Article 2(5) and Article 8, the Greenlandic authorities shall allocate at least 50% of the total available fishing opportunities on the new species to the Union until the Protocol expires.

#### *Article 8* *New fishing opportunities*

- 1. New fishing opportunities are fishing opportunities for species and stocks to be included in Article 3(1), subject to a proportional increase in the part of the financial contribution referred to in point (a) of Article 4(2).
- 2. When an interest is expressed by either Party in including a new fishing opportunity in Article 3(1), it shall be considered by the Joint Committee based on Greenlandic

Laws and Regulations, the best available scientific advice and the precautionary approach. New fishing opportunities will thereafter be subject to the process in Article 3(2) and (3). The Joint Committee shall also fix the reference price for the new species and the authorisation fees to apply until this Protocol expires.

#### *Article 9*

##### *Suspension of the Protocol and review of the financial contribution*

1. The application of this Protocol, including payment of the financial contribution, may be suspended, or reviewed as for the financial contribution, unilaterally by either Party, if:
  - a) unusual circumstances prevent fishing activities in Greenlandic fishing zone; or
  - b) significant changes in the policy guidelines which led to the conclusion of this Protocol are enacted, either one of the Parties requests a review of the provisions with a view to a possible amendment thereof; or
  - c) a dispute between the Parties over the interpretation of this Protocol or its implementation arises; or
  - d) either one of the Parties does not respect the provisions of this Protocol, in particular, Article 2(6) with respect to fundamental rights;

This subparagraph shall not apply if the breach occurs in any area of responsibility or field of competence in which the Government of Greenland, as a result of the status of Greenland as a self-governing part of the Kingdom of Denmark, does not hold formal responsibilities or does not have formal competences.
2. The Union may suspend the payment of the financial contribution for sectoral support provided for in point (b) of Article 4(2) in accordance with Article 5(4) thereof.
3. Suspension of the application of this Protocol, including payment of the financial contribution, shall require the Party concerned to notify its intention in writing at least three months before the date on which suspension is due to take effect.
4. Application of this Protocol, including payment of the financial contribution, shall resume once the situation has been remedied following actions to mitigate the above mentioned circumstances and following consultation and agreement between the Parties. The amount of the financial contribution shall be reduced proportionately and pro rata temporis according to the period during which the application of the Protocol was suspended.

#### *Article 10*

##### *Suspension and Reinstatement of Fishing Authorisation*

Greenland may suspend fishing authorisations provided for in the Annex where:

- a) a specific vessel is in serious violation of Greenlandic Laws and Regulations; or
- b) a court order issued in relation to a violation of a specific vessel has not been respected by the shipowner. Once the court order has been respected, the



fishing authorisation for the vessel shall be reinstated for the remaining period of the fishing authorisation.

*Article 11*  
*Termination*

Following termination under the conditions laid out in Article 12(2) and (3) of the Agreement, payment of the financial contribution referred to in Article 4(2) of this Protocol for the year in which the termination takes effect shall be reduced proportionately and *pro rata temporis*.

*Article 12*  
*National Laws and Regulations*

1. The activities of Union fishing vessels when operating in Greenlandic fishing zone shall be governed by the applicable Laws and Regulations in Greenland and Kingdom of Denmark, unless otherwise provided for in the Agreement, this Protocol and the Annex thereto.
2. Greenland shall inform the Union of any changes or new legislation which is related to fisheries policy, at least three months before the entry into force of such changes or new legislation.

*Article 13*  
*Confidentiality*

1. Greenland and the Union undertake to ensure that all personal data related to Union fishing vessels and their fishing activities obtained in the framework of this Protocol and the Annex thereto shall be treated at all times in accordance with their respective confidentiality and data protection principles.
2. Both Parties shall ensure that only aggregated data for fishing activities of the Union's fleet in Greenlandic fishing zone are made public. Data which may be considered as otherwise confidential shall be used exclusively for the implementation of the Protocol and for the purposes of science, fisheries management, monitoring, control and surveillance.

*Article 14*  
*Provisional Application*

This Protocol shall be applied provisionally from 1 January 2016.

*Article 15*  
*Entry into force*

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

## ANNEX

### **Conditions governing fishing activities by EU vessels under the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community, on the one hand, and the Government of Denmark and the Home Rule Government of Greenland, on the other**

#### **CHAPTER I – GENERAL PROVISIONS**

1. Designation of competent authority  
For the purposes of this Annex and unless otherwise specified, competent authority means:
  - for the Union: European Commission
  - for Greenland: Ministry of Fisheries Hunting and Agriculture
2. Fishing authorisation means a permit issued in respect of a EU fishing vessel entitling it to carry out specific fishing activities during a specific period, in the Greenland fishing zones as identified in paragraph 3.
3. Fishing zone
  - 3.1. The fishery shall take place within the fishing zone as provided for in the Regulation No. 1020 of 20 October 2004 in accordance with Royal Decree No. 1005 of 15 October 2004 on the Entry Into Force of Act on Exclusive Economic Zones for Greenland entering into force Act No. 411 of 22 May 1996 on Exclusive Economic Zones.
  - 3.2. The fishery shall take place at least 12 nautical miles off the baseline according to § 7 Section 2 of Act No. 18 of 31 October 1996 on Fisheries issued by the Landsting of Greenland as most recently amended by the Inatsisartut Act No. 12 of 3 December 2012 unless specifically provided otherwise.
  - 3.3. The baseline is defined in accordance with Royal Decree No. 1004 of 15 October 2004 on Amendment of Royal Decree on Delimitation of the territorial Waters of Greenland.

#### **CHAPTER II - APPLICATION FOR AND ISSUE OF FISHING AUTHORISATIONS (LICENCES)**

1. **Conditions for obtaining fishing authorisation**
  - 1.1. A fishing authorisation referred to in Article 6 of the Agreement may only be granted to vessels if they are on the EU register of fishing vessels and, for vessels seeking to fish under the pelagic redfish flexibility scheme, if they are notified to NEAFC in accordance with its rules. Moreover, they shall not be on any RFMO IUU vessels list.
  - 1.2. For a vessel to be eligible, neither the owner, the master nor the vessel itself shall be prohibited from fishing in the Greenlandic fishing zone. They shall have fulfilled prior obligations arising under the Agreement.
2. **Application for fishing authorisation**

- 2.1. Applications and fishing authorisations shall be communicated in the following manner until such time as an Electronic Licence System is jointly implemented by both Parties.
- 2.2. The EU competent authority shall submit by electronic means to the Greenlandic competent authority the (collective) application for (a) fishing authorisation(s) of (a) vessel(s) wishing to fish under the Agreement. Application shall be made on the form provided for that purpose by Greenlandic competent authority, as attached in Appendix 1. EU vessels of the same ship owner or agent may submit a collective application for a fishing authorisation provided that these vessels fly the flag of one and the same Member State.
- 2.3. Each fishing authorisation application shall be accompanied by proof of payment of the fee for the species and quantities requested in line with the provisions of paragraph 7 of this Chapter.
- 2.4. For each initial application under the Protocol in force, or following a technical change of the vessel concerned, a recent (12 months or less) digital colour photograph of the vessel of adequate resolution (at least 15x10 cm in size) to show a detailed lateral view of the vessel including the vessel's name and identification number visible on the hull.
- 2.5. Should the Greenlandic competent authority consider an application incomplete or otherwise not satisfying the conditions under paragraphs 1, 2.2, 2.3 and 2.4 the EU competent authority shall be notified of the reasons as soon as possible, and in any case within 7 working days of receipt of the application by Greenland.

### **3. Issuing of fishing authorisation**

- 3.1. The Greenlandic competent authority shall transmit the fishing authorisation by electronic means to the EU competent authority within 10 working days of submission of the application. This electronically transmitted fishing authorisation shall have the same value as the original for the purposes of the Protocol and the Annex thereto.
- 3.2. Each fishing authorisation shall indicate the authorised quantity to be caught. A fishing authorisation issued under a collective application shall indicate the total quantity of the species for which the fishing authorisation fee has been paid and shall state "authorised quantity to be shared by the vessels (names of each vessel listed on the collective application)".
- 3.3. The fishing authorisation or a copy shall be held on board at all times and be presented on request of the competent Greenlandic authority.

### **4. Amendment of fishing authorisation**

- 4.1. An amendment of any of the authorised quantities indicated in the fishing authorisation(s) shall be subject to a new application.
- 4.2. Without prejudice to paragraph 4.3, in case the amendment of the fishing authorisation concerns quantities caught in excess of an already authorised quantity, the vessel shall pay a fee equivalent to three times the amount provided for in paragraph 7.1, for the quantity in excess of the authorised quantity. No new fishing authorisation shall be issued to that vessel as long as the fees corresponding to the exceeded quantities are not paid.

- 4.3 In exceptional cases where the EU fishing opportunities for the relevant species have not been used up, and for the sole purpose of avoiding interruption of fishing activities of an EU vessel fishing in the Greenlandic fishing zone on a fishing authorisation under the Protocol, if the authorised quantity is likely to be exceeded by that vessel the flag State shall immediately notify the Greenlandic competent authority, with a copy to the EU competent authority, of the intention to submit a formal application for a new fishing authorisation for additional quantities of the same species. The vessel shall be allowed to continue fishing provided that a proof of payment of the relevant fees is made available by the shipowner to the Greenlandic competent authority within 24 hours of the notification by the flag State and provided that the corresponding application for a new fishing authorisation is forwarded to the Greenlandic competent authority within 5 working days of the flag State notification in accordance with the procedure under paragraph 2. Failure to comply with these provisions shall submit the vessel to the procedure under paragraph 4.2.

## **5. Transfer of fishing authorisation**

- 5.1. Fishing authorisations shall be issued for specific vessels and shall not be transferable.
- 5.2. However, in a limited number of cases, at the request of the EU competent authority, a vessel's fishing authorisation may be replaced by a new fishing authorisation for another EU vessel. The replacement shall take place on the basis of an application submitted through the EU competent authority. The new fishing authorisation shall indicate the authorised quantity to be caught corresponding to the quantity of the species for which fishing authorisation fees have already been paid less any catch already taken by the first vessel.
- 5.3. The replaced fishing authorisation shall take effect on the day on which the new authorisation has been issued by Greenlandic competent authority.

## **6. Period of validity of fishing authorisation**

- 6.1. Fishing authorisations shall be valid from the date of issue to the end of the calendar year in which the fishing authorisation has been issued.
- 6.2. As far as the capelin fishery is concerned, fishing authorisations shall be issued from 20 June to 31 December and also including 1 January to 30 April of the following year.
- 6.3. In case EU legislation fixing the fishing opportunities for a given year for EU vessels, in waters where catch limitations are required, has not been adopted by the beginning of the fishing year EU fishing vessels authorised to fish on 31 December in the previous fishing year may continue their activities on the same fishing authorisation in the year for which legislation has not been adopted provided that scientific advice allows for this. A provisional use of 1/12<sup>th</sup> of the quota indicated in the fishing authorisation of the previous year, per month, will be allowed provided that the applicable fishing authorisation fee is paid for the quota. The provisional quota may be adjusted in relation to the scientific advice and the conditions of the specific fishery.
- 6.4. The unused quantity of a fishing authorisation for Northern Prawn, at 31 December of a given year, may be transferred, on request of the EU competent authority, to the following year to a maximum of 5 % of the original quantity of the fishing

authorisation, if scientific advice allows for that transfer. The quantity transferred shall be used by 30 April of the following year.

## **7. Fishing authorisation fee, payment and refund**

7.1. The fishing authorisation fees to be paid by EU vessels are as follows:

<b>Species</b>	<b>EUR per tonne 2016-2017</b>	<b>EUR per tonne 2018-2020</b>
Cod	132,63	142,11
Pelagic Redfish	78,11	83,68
Demersal Redfish	78,11	83,68
Greenland Halibut	190,11	203,68
Northern Prawn - East	73,68	78,95
Northern Prawn - West	117,89	126,32
Capelin	7,00	7,50

7.2 Before this Protocol starts to apply, the Greenlandic competent authority shall communicate to the EU the details of the Government bank account(s) to be used for all payments by shipowners for the duration of the Protocol. The Greenland competent authority shall notify to the EU competent authority any change at least two months in advance.

7.3 The payment of the fee shall include all national and local charges related to access to fishing activities as well as charges imposed by banks for transfers of money. In case a vessel has not paid the bank transfer charge this amount will be required to be paid with the next fishing authorisation application of this vessel and is a precondition for the issuing of a new fishing authorisation.

7.4. Should the authorised quantity not be fished, the fee corresponding to this authorised quantity shall not be reimbursed to the ship owner.

7.5. However, in case either Article 9 or Article 11 of the Protocol become applicable and consequently a vessel is unable to fish any part of the authorised catch for the calendar year, or in case an application for fishing authorisation is not granted, the Greenlandic competent authority will fully reimburse the authorisation fee to the vessel owner within 60 calendar days of the request for reimbursement.

7.6. A fishing authorisation fee shall not be paid for by-catches.

## **8. The reference prices for the species are as follows:**

<b>Species</b>	<b>Live weight price in EUR per tonne</b>
Cod	1800
Pelagic Redfish	1700
Demersal Redfish	1700
Greenland Halibut	4375
Northern Prawn	3240
Capelin	190

Grenadier spp.	975
By-catch	1990

### **CHAPTER III – TECHNICAL CONSERVATION MEASURES**

1. The Greenlandic competent authority shall make available to the EU competent authority before the protocol will be provisionally applied, an English language version of the relevant Greenlandic legislation concerning monitoring, control and surveillance and technical conservation measures.

### **CHAPTER IV – MONITORING, CONTROL AND SURVEILLANCE**

#### **SECTION 1. CATCH RECORDING AND REPORTING**

1. Without prejudice to the reporting requirements of their flag State FMC, EU vessels authorised to fish under the Agreement shall communicate their catches to the competent authority of Greenland in the following manner, until such time as an Electronic Reporting System (ERS) is jointly implemented by both Parties. Upon entry into force, such ERS will replace the electronic reporting provisions of Sections 1, 2 and 3.
2. Masters of EU fishing vessels fishing under the Agreement shall record in a fishing logbook for each trip they undertake in the Greenlandic fishing zone their operations indicating all quantities of each species caught and kept on board or discarded, subject to Article 3 paragraph 4 of the Protocol, above 50 kg live weight equivalent. The relevant logbooks, according to target species and gear, shall be supplied upon request by the competent Greenlandic authority and sent to the vessels representative (agent) as indicated in the application form for fishing authorisation as provided in Appendix 1. An example of each type of logbook shall also be provided to the EU competent authority and the applicable flag State FMC's. In the event that the format of a logbook is modified, the EU competent authority and the applicable flag State FMC's shall be immediately informed of the changes and be supplied with new versions.
3. The fishing logbook shall be completed by the master on a haul by haul basis indicating all catches and discards related to each haul for each day the EU fishing vessel is operating under a Greenlandic fishing authorisation.
4. The fishing logbook shall be filled in legibly, in block capitals, and signed by the master.
5. The master shall be responsible for the accuracy of the fishing logbook data recorded and transmitted
6. At the end of each fishing trip a copy of the fishing logbook shall be sent to the Greenlandic competent authority within 10 days of arrival in port by either mail, e-mail or fax. The master shall also send a copy to the flag State.
7. The master, to the extent possible, shall also transmit additional landing data on receipt of a request from the competent Greenlandic authority.
8. Where an EU vessel has not fulfilled the provisions on catch reporting, the Greenlandic competent authority is entitled to suspend an existing fishing

authorisation until the catch reporting provisions are fulfilled. If the offence is repeated, the Greenlandic competent authority may refuse to renew the fishing authorisation of the vessel concerned. The EU competent authority and the flag State will be kept duly informed.

9. The two Parties will endeavour to put in place as soon as possible an Electronic Reporting System related to the fishing activities of EU vessels in the Greenlandic fishing zone, subject to a common agreement on guidelines for its management and implementation. This Electronic Reporting System will allow for the exchange of data related to (not exhaustive) vessel positions, catch data, fishing activities, and fishing authorisations.
10. The Greenlandic competent authority will inform annually the EU competent authority of the catches in the Greenlandic fishing zone of vessels of third Parties fishing on opportunities from the Protocol and or upon request by the EU competent authority.

## SECTION 2 : ENTERING AND LEAVING THE ZONE

1. The master of any EU vessel which is fishing in Greenland fishing zone or is planning to enter the fishing zone of Greenland for the purpose of fishing shall transmit to the Greenlandic competent authority by electronic means, via email or fax, the following reports and notices in accordance with the provisions outlined in the relevant national fisheries legislation<sup>8</sup>:
  - (a) “notice of arrival” to the Greenlandic competent authority no later than 5 days before arrival. Any subsequent changes to the notice of arrival must be immediately reported to the Greenlandic competent authority;
  - (b) “notice of action” not earlier than 24 hours and not later than 12 hours before its arrival;
  - (c) “notice of action” - before departure from a port for fishing in the Greenland fishing zone in which the port is situated or from an unloading position in the territory for the purpose of continued fishing, the fishing vessel shall give notice thereof (**notice of action**);
  - (d) “weekly report” - as long as a fishing vessel is in action, i.e. from it has given *notice of action* and until it has given *notice of end of action*, reports (**weekly reports**) shall be given every Monday before 1000 hrs UTC. The first weekly report shall cover the period from arrival in the Greenland fishing zone or departure from a port within the Greenland fishing zone until the following Sunday at 2400 UTC. Other weekly reports shall cover the period from Monday at 0000 UTC until Sunday at 2400 (UTC). When the fishing opportunities authorised for a vessel or the total allowable catch set out in the Greenlandic Executive Order on Quotas is about to be exhausted, GFLK shall be entitled to request the vessels concerned to send in daily reports containing the same information as the weekly report. In such cases, weekly reports and position reports shall not be given;

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<sup>8</sup> Executive order 18 of 9 December 2010 of the Self-Government of Greenland on the Surveillance of Offshore Fisheries.

- (e) “notice of departure” - fishing vessels which are planning to leave the Greenland fishing zone shall give notice thereof (**notice of departure**) not later than 48 hours in advance;
- (f) “notice of end of action” - before leaving the Greenland fishing zone a fishing vessel shall give notice thereof (**notice of end of action**);
- (g) “notice of end of action” Before arrival at a port or an unloading position in the Greenland fishing zone fishing vessels shall give notice thereof (**notice of end of action**).

### SECTION 3 : LANDING AND TRANSHIPMENT

1. The master of an EU vessel, or representative (agent), wishing to land or tranship in a Greenlandic port catches from the Greenlandic fishing zone shall notify the Greenlandic competent authority in accordance with the provisions outlined in the relevant fisheries legislation<sup>1</sup>.
2. At least 72 hours before transhipment or landing, of the following:
  - (a) the vessel identification of the donor fishing vessel;
  - (b) the transhipment or landing port indicated according to the FAO Port Code List;
  - (c) the planned date and time of the landing or transhipment;
  - (d) the quantity (expressed in kilograms of live weight or, if necessary, the number of individual fish) of each species to be landed or transhipped (specified by its FAO alpha 3 code);
  - (e) destination of the catches after landing or transhipment (if known) ie market, private consumption, other;
  - (f) in case of transhipment, the vessel identification and type of the receiving fishing vessel.
3. The transhipment operation is subject to a prior authorisation delivered by Greenland to the master or owner of the vessel within 24 hours after the above mentioned notification.
4. The master and/or the representative shall be responsible for the accuracy of the landing and transhipment declaration data recorded and transmitted.

### SECTION 4 : SATELLITE-BASED VESSEL MONITORING SYSTEM (VMS)

1. **Vessel position messages – VMS system**
  - 1.1 EU vessels holding a fishing authorisation under the Agreement and operating in the Greenlandic fishing zone, or fishing on Greenlandic quota in NEAFC waters (as outlined in Appendix 4), must be equipped with a fully operational satellite-tracking device (Vessel Monitoring Systems – VMS) installed on board and capable of continuous automatic transmission of their position to a land-based Fisheries Monitoring Centre (FMC) of their flag State no less frequently than once an hour



- 1.2 The FMC of the flag State shall automatically send the position messages of the vessels concerned to the FMC of Greenland.
- 1.3 If a vessel is found operating in the Greenlandic fishing zone without a fully operational VMS, and the provisions in point 3 of this section has not been complied with, the Greenlandic authority is entitled to suspend with immediate effect the fishing authorisation of that fishing vessel. The competent Greenlandic authority shall provide notice without delay to the FMC of the flag State concerned. The EU competent authority and the flag State shall be notified of any suspension of fishing authorisations without delay.
- 1.4. Each position message shall be formatted in accordance with Appendix 3 and shall contain:
- (a) the vessel identification;
  - (b) the most recent geographical position of the vessel (longitude, latitude), with a position error of less than 500 metres, and with a confidence interval of 99%;
  - (c) the date and time the position is recorded;
  - (d) the instant speed and course of the vessel.
- 1.5. The first position recorded after entry into the fishing zone of Greenland is identified by the code 'ENT'. All subsequent positions shall be identified by the code 'POS', with the exception of the first position recorded after departure from the fishing zones of Greenland, which shall be identified by the code 'EXI'.
- 1.6. The FMC of the flag State shall ensure the automatic transmission and, if necessary, the manual transmission of the position messages. The position messages shall be transmitted, recorded and stored in a secure manner and kept for a period of three years.

## **2. Integrity of the VMS**

- 2.1. The VMS hardware and software components shall be tamper proof, i.e. shall not permit the input or output of false positions and shall not be capable of being manually over-ridden. The system shall be fully automatic and operational at all times regardless of environmental conditions. It shall be prohibited to destroy, damage, render inoperative or otherwise interfere with the satellite-tracking device. In particular, the masters shall ensure at all times that:
- (a) the VMS system of his vessel is fully operational and that the position messages are correctly transmitted to the FMC of the Flag State.
  - (b) data are not altered in any way;
  - (c) the antenna(s) and its cables connected to the satellite tracking devices are not obstructed in any way;
  - (d) the power supply of the satellite tracking devices is not interrupted in any way; and
  - (e) the satellite tracking devices are not removed from the vessel.
- 2.2. The master of the fishing vessels holding a fishing authorisation shall be considered to be responsible for any proven manipulation of the vessel's VMS system aimed at disturbing its operation or falsifying its position messages. Any infringement shall be

subject to the penalties provided for by the party in whose waters the infringement took place and according to the legislation in force of that party.

### **3. Transmission by the vessel in the event of breakdown of the VMS system**

- 3.1. In the event of breakdown of the VMS system of the vessel while in the Greenlandic zone, it shall be repaired or replaced within 30 calendar days, after notification to the Flag State. The EU authority shall be notified on the fact as soon as possible.
- 3.2. During the period above mentioned, the vessel shall be required to start reporting manually his position, in accordance with paragraph 1.4 of this Section, by other means of available communication, in particular, e-mail, radio or fax to the FMC of the Flag State. The frequency of this manual transmission shall be at least one position every 4 hours.
- 3.3. After the 30 day period, the vessel shall no longer be authorised to undertake fishing activities in the Greenlandic fishing zone.

### **4. Secure communication of the position messages between FMCs**

- 4.1. The FMC of the Flag State shall automatically send the position messages of the vessels concerned to the FMC of Greenland.
- 4.2. The FMC's of both parties shall exchange their coordinates e.g. e-mail addresses, fax, telex and telephones, and inform each other without any delay of any change to these coordinates.
- 4.3. Without prejudice to future improvements being implemented, the transmission of position messages between the FMCs concerned and the Flag States shall be carried out electronically by HTTPS protocol. The exchange of certificates shall take place between Greenlandic authorities and relevant Flag State FMC.
- 4.4. Under no circumstances shall tracking data communicated to Greenland in accordance with this Agreement be disclosed to authorities, other than fisheries control and monitoring authorities of Greenland, in such a way that individual vessels can be identified.
- 4.5. Without prejudice to previous paragraph, VMS data may be used for scientific or research purposes provided that users do not publish this data in such a way that individual vessels can be identified.

### **5. Malfunction of the communication system**

- 5.1. The Greenlandic competent authority and the FMC's of the EU Flag States shall ensure the compatibility of their electronic equipment and inform the other immediately of any malfunction as regards the communication and receiving of position messages with a view to finding a technical solution as soon as possible.
- 5.2. Communication failures between FMC's shall not affect the operation of the vessels.
- 5.3. All non-transmitted messages during the downtime, shall be forwarded as soon as the communication is re-established between the FMC's concerned.

### **6. FMC Maintenance**

- 6.1. Planned maintenance of an FMC (maintenance programme) which may affect the exchange of VMS data must be notified at least seventy-two (72) hours in advance to the other FMC, indicating, where possible, the date and duration of the maintenance work. Information about unplanned maintenance work shall be sent to the other FMC as soon as possible.

- 6.2. During the maintenance work, the provision of VMS data may be put on hold until the system is operational again. The relevant VMS data shall be sent immediately after the maintenance work has been completed.
- 6.3. If the maintenance work takes more than twenty-four (24) hours, VMS data shall be sent to the other FMC using a mutually agreed alternative means of electronic communication.
- 6.4. Greenland shall inform its competent authorities for monitoring, control and surveillance (MCS) so that EU vessels are not considered by the Greenlandic FMC as being in violation of their obligations for not transmitting VMS data, owing to the maintenance of an FMC.

#### **SECTION 5: INSPECTION AT SEA OR IN PORT**

1. Inspections in the Greenlandic fishing zone or ports of EU vessels holding a fishing authorisation shall be carried out by vessels and inspectors of Greenland clearly identified in accordance with international convention.
2. Before going on board, the authorised inspector shall inform the EU vessel of the decision to carry out an inspection. Before carrying out the inspection, the fishing inspectors must provide proof of their identity and function.
3. The inspectors shall only stay on board the EU vessel for the time necessary to carry out the duties linked to the inspection. They shall carry out the inspection in a way which minimises the impact on the vessel, its fishing activity and cargo.
4. The port inspections will be carried out in accordance with FAO measures and any relevant Port State measures of RFMOs.
5. The Greenland competent authority may authorise the EU to observe the inspection.
6. The master of the EU vessel shall allow and facilitate the inspectors to come on board and carry out their work.
7. The inspectors will not interfere in contacts between the master of the EU vessel and the flag State and/or the vessel owner. Masters shall not be required to reveal commercially sensitive information over open radio channels.
8. At the end of each inspection, the inspectors shall draw up an inspection report. The master of the EU vessel has the right to include his comments in the inspection report. The inspection report shall be signed by the inspector drawing up the report and the master of the EU vessel. If the master refuses to sign it, he or she shall specify the reasons for doing so in writing and the inspector shall write «refusal to sign» on it.
9. The inspectors shall issue a copy of the inspection report to the master of the EU vessel before leaving the vessel. The Greenlandic competent authority shall send an electronic copy of the inspection report to the EU competent authority and flag Member State within eight calendar days of the inspection, without prejudice to the provisions referred to in paragraph 1 of Section 7. Where appropriate this information shall be made available to the relevant Regional Fisheries Management Organisations (RFMOs).

## SECTION 6: OBSERVER SCHEME

1. Fishing operations in the Greenlandic fishing zone are subject to the observer scheme provided for under the Greenlandic law. Masters of EU fishing vessels holding a fishing authorisation to fish within the Greenlandic fishing zone shall cooperate with the competent Greenlandic authorities for the purpose of embarking observers on board.
2. The salary and social contributions of the observer shall be borne by the competent Greenlandic authorities.
3. The observer shall embark in a port mutually agreed between the Greenlandic competent authority and the vessel owner. If the observer does not arrive to embark within 3 hours of the date and time set, the vessel owner shall be automatically discharged from his obligation to allow the observer to embark. The vessel shall be free to leave the port and starts fishing operations.
4. Whilst they are on board observers shall:
  - (a) take all appropriate measures so as not to interrupt or hinder fishing operations;
  - (b) respect on-board property and equipment; and
  - (c) respect the confidential nature of any document belonging to the vessel.
5. Whilst on board observers shall carry out only the following duties:
  - (a) verify logbook entries including the composition of catch by species, quantities, live and processed weight; and hail and VMS reports;
  - (b) maintain detailed records of the daily activity of the vessel whether fishing or not;
  - (c) for each haul, record the gear type, mesh size, attachments, catch and effort data, coordinates, depth, time of gear on the bottom, catch composition, discards and retained undersized fish; and
  - (d) monitor the functioning of the satellite tracking system and report on any interruptions or interference therewith.
6. Each vessel shall provide food and accommodation to the observer of a standard no less than that provided to the officers on board.
7. The master shall extend such co-operation and assistance as may be required to enable the observer to carry out the observer's duties. Such cooperation shall include providing the observer with such access as may be required to the catch retained on board, including such catch as the vessel may intend to discard.
8. Any transfer of fisheries observers at sea must be carried out in daylight under safe conditions by an experienced crew and subject to the fisheries observer's full consent and generally under optimum safety conditions
9. In the event of transfer at sea the vessel master shall cooperate fully to ensure the safety of the observer.
- 10. Observer report**
- 10.1. Before leaving the vessel, the observer shall submit a report of his observations to the master of the vessel. The master of the vessel shall have the right to make comments

in the observer's report. The report shall be signed by the observer and the master. The master shall receive a copy of the observer's report.

- 10.2. Upon receiving a request from the EU competent authority or the flag Member State a copy of the observer's report shall be transmitted by the Greenlandic competent authority within 8 working days.

## **SECTION 7: INFRINGEMENTS**

### **1. Handling of infringements**

- 1.1. Any infringement committed in the Greenlandic fishing zone by an EU fishing vessel holding a fishing authorisation in accordance with the provisions of this Annex shall be mentioned in an inspection report.
- 1.2. The signature of the inspection report by the master shall be without prejudice to the master's and/or vessel owner's right of defence in respect of an infringement.
- 1.3. For any infringement committed in the Greenlandic fishing zone by an EU vessel holding a fishing authorisation under the Agreement the notification of the infraction defined and the accessory sanctions imposed to the master or the fishing company shall be sent directly to the vessel owners following the procedures set in Greenlandic Law in force.
- 1.4. A copy of the inspection report and the infringement notification shall be sent by the Greenlandic competent authority to the EU competent authority and the flag Member State by e-mail as soon as possible.
- 1.5. Where settling the infringement involves legal proceedings, before these are launched, and provided that the infringement does not involve a criminal act, an attempt shall be made to resolve the presumed infringement amicably within 4 days of the notification of the infringement. If such an amicable settlement is not possible, the legal proceedings shall take their course.

### **2. Detention of a vessel**

- 2.1. Greenland shall notify immediately the EU competent authority and the flag State of any detention of an EU fishing vessel holding a fishing authorisation under the Agreement. This notification shall provide the reasons for the detention and shall be accompanied by documentary evidence of the infringement.
- 2.2. Before taking any other measure against the detained EU vessel, its master, crew or cargo, except measures intended to protect evidence, Greenland shall designate an investigating officer and organise, at the request of the EU authority, within one working day of notification of the reasons for the vessel detention, an information meeting. A representative of the flag State and the vessel owner may attend the meeting.

### **3. Penalties for infringements**

- 3.1. The penalty for the infringement shall be set by Greenland according to the provisions of the national legislation in force.
- 3.2. In the event of an amicable settlement, any penalty to be paid shall be determined by referring to the national legislation of Greenland.

### **4. Legal proceeding – Bank security**

- 4.1. If amicable settlement is not possible and the infringement is brought before the competent court, the ship owner of the EU fishing vessel which committed the infringement shall deposit a bank security at a bank designated by the Greenlandic competent authority, the amount of which, as set by the Greenlandic competent authority, shall cover the costs linked to the detention of the EU fishing vessel, the estimated fine and any compensation. The bank security may not be recovered until the legal proceedings have been concluded. However, where legal proceedings are ongoing for more than 4 years, the Greenlandic competent authority shall update regularly the EU competent authority and the flag State concerned of the steps being taken to conclude the legal proceedings.
- 4.2. The bank security shall be released and returned to the ship owner without delay after the judgment has been given:
  - (a) in full, if no penalty has been imposed;
  - (b) for the amount of the remaining balance, if the penalty is a fine which is lower than the amount of the bank security.
- 4.3. The legal proceedings shall open as soon as possible according to the national law.
- 4.4. Greenland shall inform the EU of the outcome of the legal proceedings within 14 days following the judgement.
- 5. Release of the vessel and the crew**
- 5.1. The EU fishing vessel shall be authorised to leave port and continue fishing once the bank security has been deposited or the penalty has been paid or the obligations arising under the amicable settlement have been fulfilled.

## **CHAPTER V – TEMPORARY JOINT VENTURES**

### **SECTION 1: METHOD AND CRITERIA FOR ASSESSING PROJECTS FOR TEMPORARY JOINT VENTURES AND JOINT ENTERPRISES**

1. Greenland will inform without delay the EU competent authority should any opportunities for temporary joint ventures or joint enterprises arise with Greenlandic companies. The EU competent authority will inform accordingly all EU Member States. In case of a joint undertaking, projects will be submitted and assessed in line with the provisions of this chapter
2. In application of Article 10(f) of the Agreement the EU shall present to Greenland as soon as possible and in any case no later than 10 working days in advance of a Joint Committee meeting a technical dossier for project(s) for temporary joint ventures and joint enterprises involving EU operators. The projects shall be submitted to the EU competent authority via the authorities of the EU Member State(s) concerned.
3. The Joint Committee shall as a priority encourage the full utilisation by EU vessels of the indicative quotas for species listed under Article 3(1) of the Protocol. For species where the Joint Committee without scientific advice justification has agreed annual fishing opportunities lower than indicated under Article 3(1) of the Protocol projects for temporary joint ventures or joint enterprises for the same species and the same calendar year will not be considered
4. The Joint Committee shall assess the projects in accordance with the following criteria:

- (a) target specie(s) and fishing zone(s);
  - (b) state of the stock(s) based on best available scientific advice and the precautionary approach;
  - (c) vessel(s) details and technology appropriate to the proposed fishing operations;
  - (d) in case of temporary joint ventures, the total duration and that of fishing operations; and
  - (e) previous experience of the EU shipowner and the Greenlandic partner in the fisheries sector.
5. The Joint Committee shall issue an opinion on the projects following the assessment under paragraph 3.
  6. For species listed under Article 3(1) of the Protocol, catches taken by EU vessels in the frame of temporary joint ventures or joint enterprises shall be without prejudice to existing sharing arrangements among EU Member States.

## **SECTION 2: CONDITIONS CONCERNING ACCESS IN THE FRAME OF TEMPORARY JOINT VENTURES**

### **1. Fishing authorisations**

- 1.1. In the case of temporary joint ventures, once a project has received a favourable opinion from the Joint Committee, the concerned EU vessel(s) shall apply for a fishing authorisation in accordance with the provisions of Chapter II. Such application shall clearly indicate that it concerns a Temporary Joint Venture.
- 1.2. The fishing authorisation shall be issued for the duration of the temporary joint venture but in any case for a duration no longer than the calendar year.
- 1.3. The fishing authorisation shall clearly indicate that catches will take place on fishing opportunities allocated by the Greenlandic authorities within the respective Greenlandic TAC but outside the fishing opportunities under Article 3(1) of the Protocol.

### **2. Replacement of vessels**

- 2.1. An EU vessel operating under a temporary joint venture may be replaced by another EU vessel with similar capacity and technical specifications only on duly justified grounds and with the agreement of the parties.

## **CHAPTER VI– EXPERIMENTAL FISHERIES**

1. In application of Article 9 and Article 10(g) of the Agreement, where interest to engage in experimental fisheries has been notified to Greenland by the EU competent authority regarding species and stocks not listed under Article 3 (1) of the Protocol:
  - 1.1. The EU competent authority shall present to Greenland no later than 15 days in advance of the Joint Committee meeting technical dossier(s) specifying:
    - (a) the specie(s) to be targeted;
    - (b) a proposal for the technical parameters of the campaign (technology to be used for the operation, duration, fishing zones etc.); and

- (c) the expected benefits for scientific research and development of the fishing sector of the EU participation in the experimental campaign.
- 1.2. Greenland shall inform the Joint Committee about:
  - (a) the details and conditions of the relevant experimental fishing campaigns conducted by domestic and third country vessels;
  - (b) outcomes of any previous experimental campaigns for the same species; and
  - (c) existing scientific and other information.
- 2. The Joint Committee shall assess the technical dossier(s) giving due consideration to the best available scientific advice and the precautionary approach.
- 3. Following a positive opinion by the Joint Committee on the EU participation, its level and the technical parameters of the experimental fishing campaign, EU vessels shall submit applications for fishing authorisations in line with the provisions of Chapter II. The fishing authorisation shall not exceed the end of the calendar year.
- 4. All provisions of Chapter IV shall be applicable to EU vessels engaging in experimental fisheries.
- 5. Without prejudice to paragraph 4, during the experimental campaign at sea, EU vessels concerned shall:
  - (a) notify the Greenlandic competent authority of the commencement of the campaign and submit a declaration of any catches on board before the start of the experimental fishery;
  - (b) provide the Greenland Institute of Natural Resources, the Greenlandic competent authority and the European Commission with a weekly report on catches per day and by haul, including the description of the campaign's technical parameters (position, depth, date and time, catches and other observations or comments);
  - (c) ensure the presence on board of one Greenlandic observer or an observer chosen by the Greenlandic competent authority. The role of the observer will be to gather scientific information from the catches, as well as to sample the catches. The observer shall be treated as a ship's officer and the vessel-owner shall cover the living costs of the observer during his stay on the vessel. The decision on the observer's time on board, the length of his stay, the boarding and landing harbour will be fixed by the Greenlandic authorities; and
  - (d) notify Greenlandic competent authority of the end of the experimental campaign and submit the vessels to inspection before leaving the Greenlandic fishing zone if the Greenlandic competent authority so request.
- 6. The catches consistent with and obtained during the experimental campaign remain the property of the vessel-owner.
- 7. The Greenlandic competent authority will designate a contact person responsible for addressing any unforeseen problems that might hinder the development of the experimental fisheries.



8. Based on the recommendations of the relevant scientific advisory bodies, Greenland may request the implementation of conservation and management measures with regard to the experimental fishery, including time and area closures.

*Appendices to this Annex*

Appendix 1 - Application form for a fishing authorisation

Appendix 2 – Contact Details for the Greenland competent authorities

Appendix 3 – VMS Data format

Appendix 4 – Flexibility scheme in the pelagic redfish fishery between Greenlandic and NEAFC waters

# **APPENDIX 1 - APPLICATION FORM FOR A FISHING AUTHORISATION IN THE GREENLANDIC FISHING ZONE**

- 1 Flag State
- 2 Name of Vessel
- 3 EU Fleet Register Number
- 4 External identification letters and number
- 5 Port of registration
- 6 International Radio call Sign (IRCS)
- 7 Inmarsat Number (Telephone, Telex, Email)<sup>9</sup>
- 8 Year of Building
- 9 IMO number (if available)
- 10 Type of Vessel
- 11 Type of fishing gear
- 12 Target Species + Quantity
- 13 Fishing area (ICES/NAFO)
- 14 Time period for a fishing authorisation
- 15 Owners, Address of natural or legal person, Telephone, Telex, Email
- 16 Vessel operator, Address of natural or legal person, Telephone, Telex, Email
- 17 Name of Master
- 18 Number of crew members
- 19 Engine power (KW)
- 20 Length (L.O.A.)
- 21 Tonnage in GT
- 22 Freezing capacity in tons per day
- 23 Representative (agent), name and address
- 24 Address to where the fishing authorisation application European Commission, Directorate General for Maritime Affairs and Fisheries, Rue de la Loi 200, B-1049 Brussels, Fax +32 2 2962338 Email

should be mailed

[Mare-licences@ec.europa.eu](mailto:Mare-licences@ec.europa.eu)

## APPENDIX 2 - CONTACT DETAILS FOR THE GREENLANDIC COMPETENT AUTHORITIES

### Transmission of reports and notices

Reports and notices to be given according to Chapter IV sections 1, 2 and 3 shall be in Greenlandic, Danish or English.

– Notices shall be transmitted by coastal radio, fax or e-mail to the Greenland Fishing Licence Control Authority (GFKL) and to the Arctic Command (AKO):

1. GFLK, telephone no. +299 34 50 00, fax no. +299 34 63 60,

Email: [GFLK@NANOQ.GL](mailto:GFLK@NANOQ.GL);

2. AKO, telephone no. +299 364000, fax no. +299 364099,

Email: [AKO-COMMCEN@MIL.DK](mailto:AKO-COMMCEN@MIL.DK)

– Fishing logbooks must be sent to:

Greenland Fishing Licence Control Authority (GFKL)  
P.O.Box 501, 3900 Nuuk, Greenland.

### Application for fishing authorisation

Application for fishing authorisations and other permits must be communicated to Ministry of Fisheries Hunting and Agriculture fax no.: +299 346355 or Email: [APNN@NANOQ.GL](mailto:APNN@NANOQ.GL)

### APPENDIX 3 - VMS DATA FORMAT

#### Format for Communication of VMS messages to the FMC of the other Party

##### 1) "ENTRY" message

Data Element:	Field Code:	Mandatory / Optional	Remarks:
Start Record	SR	M	System detail; indicates start of record
Address	AD	M	Message detail; destination Party Alfa-3 ISO country code
From	FR	M	Message detail; the transmitting Party Alfa-3 ISO country code
Record Number	RN	O	Message detail; serial number of the record in the relevant year
Record Date	RD	O	Message detail; date of transmission
Record Time	RT	O	Message detail; time of transmission
Type of Message	TM	M	Message detail; message type, "ENT"
Radio Call Sign	RC	M	Vessel detail; international radio call sign of the vessel
Internal Reference Number	IR	M	Vessel detail. Unique Party vessel number as Alfa-3 ISO flag country code followed by number
External Registration Number	XR	O	Vessel detail; the side number of the vessel
Latitude	LT	M	Position detail; position $\pm 99.999$ (WGS-84)
Longitude	LG	M	Position detail; position $\pm 999.999$ (WGS-84)
Speed	SP	M	Position detail; Vessel speed in tenths of knots
Course	CO	M	Position detail; Vessel course 360 ° scale
Date	DA	M	Position detail; UTC date of position (YYYYMMDD)
Time	TI	M	Position detail; UTC time of position (HHMM)
End of Record	ER	M	System detail; indicates end of the record

## 2) "POSITION" message/report

Data Element:	Field Code:	Mandatory /Optional	Remarks:
Start Record	SR	M	System detail; indicates start of record
Address	AD	M	Message detail; destination Party Alfa-3 ISO country code
From	FR	M	Message detail; the transmitting Party Alfa-3 ISO country code
Record Number	RN	O	Message detail; serial number of the record in the relevant year
Record Date	RD	O	Message detail; date of transmission
Record Time	RT	O	Message detail; time of transmission
Type of Message	TM	M	Message detail; message type, "POS" <sup>1</sup>
Radio Call Sign	RC	M	Vessel detail; international radio call sign of the vessel
Internal Reference Number	IR	M	Vessel detail. Unique Party vessel number as Alfa-3 ISO flag country code followed by number
External Registration Number	XR	O	Vessel detail; the side number of the vessel
Latitude	LT	M	Position detail; position $\pm 99.999$ (WGS-84)
Longitude	LG	M	Position detail; position $\pm 999.999$ (WGS-84)
Activity	AC	O <sup>2</sup>	Position detail; "ANC" indicating reduced reporting mode
Speed	SP	M	Position detail; Vessel speed in tenths of knots
Course	CO	M	Position detail; Vessel course 360 ° scale
Date	DA	M	Position detail; UTC date of position (YYYYMMDD)
Time	TI	M	Position detail; UTC time of position (HHMM)
End of Record	ER	M	System detail; indicates end of the record

### 3) "EXIT" message

Data Element:	Field	Mandatory /	Remarks:
	Code:	Optional	
Start Record	SR	M	System detail; indicates start of record
Address	AD	M	Message detail; destination Party Alfa-3 ISO country code
From	FR	M	Message detail; the transmitting Party Alfa-3 ISO country code
Record Number	RN	O	Message detail; serial number of the record in the relevant year
Record Date	RD	O	Message detail; date of transmission
Record Time	RT	O	Message detail; time of transmission
Type of Message	TM	M	Message detail; message type, "EXI"
Radio Call Sign	RC	M	Vessel detail; international radio call sign of the vessel
Internal Reference Number	IR	M	Vessel detail. Unique Party vessel number as Alfa-3 ISO flag country code followed by number
External Registration Number	XR	O	Vessel detail; the side number of the vessel
Date	DA	M	Position detail; UTC date of position (YYYYMMDD)
Time	TI	M	Position detail; UTC time of position (HHMM)
End of Record	ER	M	System detail; indicates end of the record

### 4) Format details

Each message in a data transmission is structured as follows:

- double slash (//) and the character "SR" indicates the start of a message,
- a double slash (//) and field code indicates the start of a data element,
- a single slash (/) separates the field code and the data,
- pairs of data are separated by space
- the character ER and a double slash (//) indicate the end of the record.

All field codes in this Annex are in The North Atlantic Format as described in The NEAFC Scheme of Control and Enforcement.



#### **APPENDIX 4 - FLEXIBILITY SCHEME IN THE PELAGIC REDFISH FISHERY BETWEEN GREENLANDIC AND NEAFC WATERS**

1. To fish under the flexibility scheme in the pelagic redfish fishery between Greenlandic and NEAFC waters a vessel shall be in possession of a fishing authorisation issued by Greenland in line with the provisions of Chapter II of the Annex to the Protocol. The application and the fishing authorisation will clearly refer to activities outside the Greenlandic fishing zone.
2. All measures concerning this fishery in the NEAFC regulatory area adopted by NEAFC shall be observed.
3. A vessel may only fish its Greenlandic redfish quota once it has exhausted its share of the EU NEAFC redfish quota allocated by its Flag State.
4. A vessel may fish its Greenlandic quota within the same NEAFC area, where its NEAFC quota has been caught, subject to paragraph 5 below.
5. A vessel may fish its Greenlandic quota within the redfish conservation area (RCA) under the conditions as set out in the NEAFC recommendation on the management of redfish in the Irminger sea and adjacent waters, but excluding any part which lies within the fishing zone of Iceland.
6. A vessel carrying out fishing activities in the NEAFC Regulatory Area shall transmit a VMS position report to NEAFC via its Flag State FMC in accordance with regulatory requirements. Whilst fishing on the Greenlandic quota within the NEAFC RCA the Flag State FMC shall specifically arrange for the results of hourly polling of the vessel's VMS position report to be transmitted to the Greenland FMC in near real time.
7. Master of the vessel shall ensure that when reporting to NEAFC and the Greenlandic authorities, redfish catches which have been caught in the NEAFC regulatory area under the Greenlandic flexibility scheme are clearly identified as caught on the Greenlandic fishing authorisation issued under the flexibility scheme.
  - (a) Before commencing to fish on its Greenlandic fishing authorisation, a vessel shall transmit a NOTICE OF ACTION report.
  - (b) While fishing on a Greenlandic fishing authorisation a DAILY CATCH report shall be transmitted daily by no later than 23:59 UTC.
  - (c) On stopping its fishing activities on the Greenlandic quota, a vessel shall transmit an END OF ACTION report.

The NOTICE OF ACTION REPORT, the DAILY CATCH REPORT and the NOTICE END OF ACTION REPORT shall be reported according to Chapter IV Section 2 of the Annex.

8. To enhance the protection of the areas of larval extrusion, fishing activities shall not commence prior to the date set out in the NEAFC recommendation on the management of redfish in the Irminger sea and adjacent waters.
9. The Flag State shall report catches taken under the Greenlandic quota in Greenlandic waters and in the NEAFC regulatory area to the EU authorities. This shall include all catches taken under the flexibility scheme clearly identifying the catch and corresponding fishing authorisation.

10. At the end of the fishing season each Flag State FMC shall transmit to the Greenlandic authorities catch statistics on the pelagic redfish fishery under this flexibility scheme.