



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 1 June 2012

10705/12

**Interinstitutional File:
2012/0131 (NLE)**

PECHE 200

PROPOSAL

from: European Commission

dated: 31 May 2012

No Cion doc.: COM(2012) 248 final

Subject: Proposal for a Council Decision on the signing, on behalf of the European Union, and the provisional application of 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 hand

Delegations will find attached a proposal from the Commission, submitted under a covering letter from Mr Jordi AYET PUIGARNAU, Director, to Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union.

Encl.: COM(2012) 248 final



EUROPEAN COMMISSION

Brussels, 31.5.2012
COM(2012) 248 final

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Proposal for a

COUNCIL DECISION

on the signing, on behalf of the European Union, and the provisional application of 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 hand

EXPLANATORY MEMORANDUM

On the basis of relevant Council mandate¹, the Commission on behalf of the European Union negotiated with the Government of Denmark and Government of Greenland in view of renewing the Protocol to the Fisheries Partnership Agreement between the European Union and the Government of Denmark and the Government of Greenland. Following these negotiations, a new Protocol was initialled on 3 February 2012, which covers a period of three years starting from 1 January 2013.

This procedure concerning the signing on behalf of the EU and provisional application of the new Protocol is launched in parallel with the procedures regarding the Council Decision, with the consent of the European Parliament, on the conclusion of the new Protocol, and the Council Regulation concerning the allocation of the fishing opportunities among the Member States under the said Protocol.

The Commission's negotiating position was based i.a. on the results of an ex-post evaluation study of the previous Protocol that was carried out by external experts in September 2011.

The new Protocol is in line with the objectives of the Fisheries Partnership Agreement aiming at strengthening the cooperation between the European Union and Greenland and promoting a partnership framework in which to develop a sustainable fisheries policy and responsible exploitation of fishery resources in the Greenlandic EEZ in the interests of both Parties.

The two Parties have agreed to cooperate with a view to implementing Greenlandic sectoral fisheries policy and to that end shall continue the policy dialogue on the relevant programming.

The new Protocol provides for a total financial contribution of EUR 17.847.244 per year for the whole period. This amount corresponds to: a) EUR 15.104.203 per year for the access to the Greenlandic EEZ, and b) EUR 2.743.041 per year, corresponding to the additional envelop paid by the EU to support of Greenland fisheries policy.

The Commission proposes, on this basis, that the Council adopts this Decision.

¹ Adopted by the 3108th meeting of the Council (Agriculture and Fisheries), on Tuesday 19 July 2011, as the "A" items listed in [12843/11](#).

Proposal for a

COUNCIL DECISION

on the signing, on behalf of the European Union, and the provisional application of 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 hand

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43 paragraph 2 in conjunction with Article 218 (5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 28 June 2007 the Council adopted Regulation (EC) No 753/2007¹ concerning the conclusion of the Fisheries Partnership Agreement between the European Community and the Government of Denmark and the Home Rule Government of Greenland.
- (2) The current Protocol setting out the fishing opportunities and financial contribution provided for in the said Partnership Agreement will expire on 31 December 2012.
- (3) The European Union has negotiated with the Government of Denmark and the Government of Greenland a new Protocol to the Fisheries Partnership Agreement setting out the fishing opportunities and financial contribution.
- (4) On the conclusion of those negotiations, the new Protocol was initialled on the 3 February 2012.
- (5) In order to allow EU vessels to carry on fishing activities, Article 12 of the Protocol provides for it to be applied on a provisional basis from 1 January 2013.
- (6) Therefore, the Protocol should be signed on behalf of the European Union, subject to its conclusion at a later date, and applied on a provisional basis,

¹ OJ L 172, 30.6.2007, p.1

HAS ADOPTED THIS DECISION:

Article 1

The signing of 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 Greenland², on the other hand (hereinafter referred to as "the Protocol"), is hereby authorised on behalf of the Union, subject to its conclusion.

The text of the Protocol to be signed is attached to this Decision.

Article 2

The Council Secretariat General shall establish the instrument of full powers to sign the Protocol, subject to its conclusion, for the person(s) indicated by the negotiator of the Protocol.

Article 3

The Protocol shall be applied provisionally as from 1 January 2013, pending its entry into force, in accordance with Article 12 thereof.

Article 4

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels,

*For the Council
The President*

² The Home Rule Government of Greenland became the Government of Greenland on 21 June 2009.

PROTOCOL

setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community⁴ on the one hand, and the Government of Denmark and the Home Rule Government of Greenland⁵, on the other hand

Article 1

Period of application and fishing opportunities

1. For a period of three years from 1 January 2013, the Greenlandic authorities authorise EU fishing vessels to engage in fishing activities up to the level of the fishing opportunities set out in paragraph 5 of this Article and those established according to paragraph 2.

The levels of the fishing opportunities set out in paragraph 5 of this Article may be reviewed by the Joint Committee. When reviewing the levels of fishing opportunities by the Joint Committee provided for in paragraph 5 of this Article, Greenland shall provide to the EU the fishing opportunities granted within the Greenlandic Exclusive Economic Zone (EEZ).

2. No later than 1 December 2013 and of each subsequent year, the Joint Committee shall agree upon the fishing opportunities for the species listed in paragraph 5 of this Article for the following year taking into account available scientific advice, the precautionary approach, the needs of the fishing industry and in particular the quantities set out in paragraph 7 of this Article.

In the event that the fishing opportunities are established by the Joint Committee at a lower level than the level set out in paragraph 5 of this Article, Greenland shall compensate the EU in subsequent years by the equivalent corresponding fishing opportunities or in the same year by other fishing opportunities.

If no compensation is agreed between the Parties, the financial arrangements, including the parameters for the calculation of the value, referred to in Article 2 paragraph 2(a) of this Protocol shall be adjusted proportionately.

3. The quota for Northern Prawn in East Greenland may be fished in areas West of Greenland provided that arrangements for quota 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 of quota to be transferred from East Greenland to areas of West Greenland shall be 2.000 tonnes. The fishery carried out by the EU 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.
4. Greenland shall offer to the EU additional fishing opportunities. If the EU accepts, in whole or in part, such offer, the financial contribution referred to in Article 2

⁴ The European Community became the European Union on 1 December 2009.

⁵ The Home Rule Government of Greenland became the Government of Greenland on 21 June 2009.

paragraph 2(a) shall be increased proportionately. The EU shall provide Greenland with a response no later than 6 weeks after receipt of the offer. If the EU authorities either decline the offer or do not react within 6 weeks, the Greenlandic authorities shall be free to offer the additional catch possibilities to other parties.

5. Indicative level of fishing opportunities authorised by Greenland (in tonnes):

Stock components	2013	2014	2015
Cod in ICES Subarea XIV and in NAFO Subarea 1 ⁶	2.200	2.200	2.200
Pelagic redfish in ICES Subareas XIV & V and in NAFO Subarea 1F ⁷	3.000	3.000	3.000
Demersal redfish in ICES Subareas XIV & V and in NAFO subarea 1F ⁸	2.000	2.000	2.000
Greenland Halibut in NAFO Subarea 1 – South of 68°North	2.500	2.500	2.500
Greenland Halibut in ICES Subareas XIV & V ⁹	4.315	4.315	4.315
Northern Prawn in NAFO Subarea 1	3.400	3.400	3.400
Northern Prawn in ICES Subareas XIV & V	7.500	7.500	7.500
Atlantic Halibut in NAFO Subarea 1	200	200	200
Atlantic Halibut in ICES Subareas XIV & V	200	200	200
Snowcrab in NAFO Subarea 1 ¹⁰	250	250	250
Capelin in ICES Subareas XIV & V ¹¹	60.000	60.000	60.000

⁶ In the event of Harvest Control Rules to be implemented through a multi-annual management plan being adopted by the Greenlandic authorities, the figures may have to be revised accordingly. If this revision leads to additional fishing opportunities for the European Union, the financial compensation referred to in Article 2 paragraph 2(a) of the Protocol shall be increased proportionally.

⁷ To be fished with pelagic trawls.

⁸ To be fished with trawls.

⁹ To be fished by no more than 6 vessels at the same time. This catch limit and effort limitation may be revised in the light of a multi-management plan to be agreed between coastal States. If this revision leads to additional fishing opportunities for the European Union, the financial compensation referred to in Article 2 paragraph 2(a) of the Protocol shall be increased proportionally.

¹⁰ Fishing activities shall only take place in accordance with Greenlandic national legislation.

¹¹ When catchable, the European Union may fish up to 7,7 % of the capelin TAC during the fishing season from 20 June to 30 April of the following year. Accordingly, the financial compensation referred to in Article 2 paragraph 2(a) of the Protocol shall be increased proportionally. The preliminary TAC shall be communicated to the EU by Greenland well in advance of the opening of the fishing season as soon as possible and by the end of May at the latest.

Grenadier spp. in ICES Subareas XIV & V ¹²	100	100	100
Grenadier spp. in in NAFO Subarea 1 ¹³	100	100	100

6. Management of the by-catch

The by-catch is defined as any unwanted catches of any living marine organisms.

For the purposes of this Protocol, by-catches, which will be taken into account in by-catch limits, are any catches of species of commercial interest not covered by the vessel's target species indicated on the fishing authorisation.

EU fishing vessels operating in the Greenlandic EEZ shall abide by the applicable by-catch rules for species and fish stocks distributed in Greenlandic waters and in particular for those listed under Article 1 paragraph 5. Moreover, it is prohibited in the Greenlandic EEZ to discard catches made on fish stocks managed through catch or effort limits in Greenlandic waters.

The maximum quantities which may be taken as by-catch are limited to a rate of 10 % of the quota of the targeted stock as expressed in the fishing authorisation for all fishing activities, except for fishing activities targeting Northern Prawn where this rate is reduced to 5 %. When an EU quota for a specific species has been exhausted, the maximum quantities which may be taken as by-catch will be limited to a rate of 5 % of the quota of the targeted stock.

By-catches made on fish stocks where the European Union benefits from fishing opportunities in Greenlandic waters shall be counted against the fishing opportunities of the relevant fish stock allocated to the EU.

By-catches and their specific composition shall be reviewed annually in the framework of the Joint Committee.

7. When the stock situation permits, the minimum quantities for maintaining Greenlandic fishing activities are hereby set at the following levels each year (in tonnes):

Species	NAFO 1	ICES XIV/V
Cod	30.000	
Redfish	2.500	10.000
Greenland halibut	4.700	4.000
Northern Prawn	75.000	1.500

¹² 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.

¹³ 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.

8. Greenland shall not issue fishing authorisations to EU vessels otherwise than under this Protocol.

Article 2
Financial contribution – Methods of payment

1. For the period referred to in Article 1, paragraph 1 of this Protocol, the financial contribution of the EU referred to in Article 7 of the Agreement shall be EUR 17.847.244 per year.
2. This financial contribution shall comprise:
 - (a) annual amount for the access to the Greenlandic EEZ of EUR 15.104.203.

This amount shall include a financial reserve of EUR 1.500.000. Payments from this reserve shall be made according to the method set out in paragraph 4 below, to compensate for additional quantities of species made available by Greenland beyond those set out in Article 1(5) and accepted by the EU.
 - (b) a specific amount of EUR 2.743.041 per year for the support and implementation of Greenlandic sectoral fisheries policy.
3. Paragraph 1 above shall apply subject to the provisions of Articles 1(2), 1(5), 4, 5, 6 and 8 of this Protocol. The total amount of the financial contribution paid by the European Union shall not be more than twice the amount indicated in Article 2 paragraph 2(a).
4. Without prejudice to Article 1(2), 1(5), 4, 5 and 6 of this Protocol, Greenland shall notify the EU authorities of any quantities for all species made available for catching beyond the amounts set out in Article 1(5) hereto. If accepted by the EU, subject to scientific advice, for those additional amounts the EU shall pay the sum of 17,5% of the reference price as indicated in Chapter I of the Annex, up to a maximum of EUR 1.500.000 per year, to cover all species identified in Article 1(5). Any part of this financial reserve not used in one year may be carried over to pay Greenland for additional quantities of species made available for catching in the subsequent year.
5. The EU shall pay the annual amount of the financial contribution, without financial reserve, no later than 30 June 2013 in the first year and no later than 1 March in the following years and the additional amounts from the financial reserve, by the same dates or as soon as possible thereafter following the notification of the availability of the quantities in question and accepted by the EU.
6. The Greenlandic authorities shall have full discretion regarding the use of the financial contribution as specified in Article 2, paragraph 2(a).
7. The financial contribution shall be paid into a Public Treasury account opened with a financial institution specified by the Greenlandic authorities.

Article 3
Promotion of responsible fishing in the Greenlandic EEZ

1. The financial contribution as indicated in Article 2, paragraph 2(b) shall be managed in the light of objectives identified by mutual agreement between the two parties, and 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 Article 2, paragraph 2(b) 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 both parties within the Joint Committee.
4. Each year, Greenland shall allocate, if appropriate, an additional amount to the financial contribution referred to in Article 2, paragraph 2(b) with a view to implementing the multiannual programme. For the first year of application of the Protocol, that allocation of the EU financial contribution as well as of the additional amount shall be notified to the EU by 1 March. For each year thereafter, Greenland shall notify the EU of those allocations no later than 1 December of the previous year.
5. Where the annual evaluation by the Joint Committee of the progress made in implementing the multiannual sectoral programme is not satisfactory and so warrants, the European Union may reduce the amount of the financial contribution referred to in Article 2 paragraph 2(b) of this Protocol, with a view to adjusting the amount of financial resources allocated to the implementation of the programme to be consistent with the expected results.
6. 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 Article 2 paragraph 2(b) has been fully utilised.

Article 4
Scientific cooperation for responsible fishing

1. Both Parties hereby undertake to promote responsible fishing in the Greenlandic EEZ based on the principle of non discrimination between the different fleets fishing in those waters.
2. During the period covered by this Protocol, the European Union and Greenland shall ensure the sustainable use of the fishery resources in the Greenlandic EEZ.
3. The parties undertake to promote cooperation at a regional level on responsible fishing and, in particular, within the NEAFC and NAFO and any other sub-regional or international organisation concerned.
4. In accordance with Article 4 Paragraph 1 of this Protocol, and in light of the best available scientific advice, the Parties shall within the Joint Committee adopt, where appropriate, measures in respect of the activities of European Union vessels licenced and authorized to undertake fishing activities by this Protocol to ensure sustainable management of the fishery resources in the Greenlandic EEZ.

Article 5
New Fishing Opportunities and experimental fisheries

1. Where an interest is expressed by the EU in having access to new fishing opportunities which are not indicated in Article 1(5) of this Protocol, this interest should be addressed to Greenland. The granting of such request for access to new fishing opportunities shall be made only in accordance with Greenlandic Laws and Regulations and may be the subject of another agreement.
2. Authorisations for experimental fisheries shall be made available for a trial period of maximum six month each, in accordance with the Chapter X of the Annex.
3. When the Parties conclude that the experimental campaigns have achieved positive results, the Greenlandic authorities shall allocate 50% of the fishing opportunities on the new species to the EU fleet, until the end of this Protocol, with a proportional increase in the part of the financial compensation referred to in Article 2 paragraph 2 (a).

Article 6
Suspension and Review of the Payment of the Financial Contribution

1. The financial contribution referred to in Article 2 Paragraphs 2(a) and 2(b) of this Protocol shall be reviewed or suspended if:
 - a) unusual circumstances, other than natural phenomena, prevent fishing activities in Greenlandic EEZ; 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) the European Union ascertains a breach of essential and fundamental elements on human rights as laid out by the Article 6 of the Treaty on the European Union.

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 European Union reserves the right to suspend, totally or partially, the payment of the specific contribution provided for in Article 2 Paragraph 2(b) of this Protocol:
 - a) where the results obtained are found to be inconsistent with the programming following the evaluation carried out within the Joint Committee; or
 - b) in case Greenland fails to execute this specific contribution.
- 3. Suspension of the payment shall require the EU to notify its intention in writing at least three months before the date on which suspension is due to take effect.
- 4. Payment of the financial contribution shall recommence once the situation has been remedied following actions to mitigate the above mentioned circumstances and following consultation and agreement between the two Parties confirming that the situation is likely to allow a return to normal fishing activities.

Article 7

Suspension and Reinstatement of Fishing Authorisation

- 1. Greenland reserves the right to suspend fishing authorisations provided for in the Annex to this Protocol 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 8

Suspension of the Implementation of the Protocol

- 1. Implementation of the Protocol shall be suspended at the initiative of either one of the Parties if:
 - a) unusual circumstances, other than natural phenomena, prevent fishing activities in Greenlandic EEZ; or
 - b) the European Union fails to make the payments provided for in Article 2, Paragraph 2(a) of this Protocol for reasons not covered by Article 6 of this Protocol; 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 laid out by of this Protocol; or
- e) following significant changes in the policy guidelines which led to the conclusion of this Protocol, either one of the Parties requests a review of the provisions with a view to a possible amendment thereof; or
- f) either one of the Parties ascertains a breach of essential and fundamental elements on human rights as laid out by Article 6 of the Treaty on the European Union.

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. Implementation of the Protocol may be suspended at the initiative of one Party if the dispute between the Parties is deemed to be serious and if the consultations held between the two Parties have not resulted in an amicable settlement.
- 3. Suspension of the implementation of the Protocol 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. In the event of suspension of implementation, the Parties shall continue to consult with a view to finding an amicable settlement to their dispute. Where such settlement is reached, implementation of the Protocol shall resume and the amount of the financial contribution shall be reduced proportionately and pro rata temporis according to the period during which implementation of the Protocol was suspended.

Article 9
National Laws and Regulations

- 1. The activities of European Union fishing vessels when operating in Greenlandic EEZ 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 hereto.
- 2. Greenland shall inform the European Union of any changes or new legislation which is related to fisheries policy, at least 3 months before the entry into force of such changes or new legislation.

Article 10

Duration

1. This Protocol and the Annex hereto shall apply for a period of three years from 1 January 2013, unless notice of termination is given in accordance with Article 11 of this Protocol.

Article 11

Termination

1. In the event of termination of the Protocol, the Party concerned shall notify the other Party in writing of its intention to terminate it at least six months before the date on which such termination would take effect. Dispatch of the notification referred to in the previous paragraph shall open consultations by the Parties.
2. Payment of the financial contribution referred to in Article 2 of this Protocol for the year in which the termination takes effect shall be reduced proportionately and pro rata temporis.

Article 12

Provisional Application

1. This Protocol shall be applied provisionally from 1 January 2013.

Article 13

Entry into force

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

ANNEX

CONDITIONS GOVERNING FISHING ACTIVITIES BY EU VESSELS IN THE GREENLANDIC EEZ

CHAPTER I - APPLICATION FOR AND ISSUE OF FISHING AUTHORISATIONS (LICENCES)

Conditions for the exercise of fishing activities by EU vessels in the Greenlandic EEZ

A. FISHING AUTHORISATION APPLICATION AND ISSUING FORMALITIES

1. Only eligible vessels may obtain a fishing authorisation to fish in the Greenlandic EEZ and/or under Greenlandic quota in international waters.
2. For a vessel to be eligible, neither the owner, the master nor the vessel itself shall be prohibited from fishing in the Greenlandic EEZ. They shall be in order with the Greenlandic authorities insofar as they shall have fulfilled all prior obligations arising from their fishing activities in Greenland or within the Greenlandic EEZ under the fisheries agreements concluded with the EU.
3. Applications shall be made on the forms provided for that purpose by Greenland, specimens of which are attached at Appendix 1. Each fishing authorisation application shall be accompanied by proof of payment of the fee for the fishing authorisation's term of validity. The fees shall include all national and local charges related to access to fishing activities as well as fees imposed by banks for transfers of money. In case a vessel has not paid the bank transfer fee 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.

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. Each fishing authorisation issued under a collective application shall indicate the total quantity of specimen for which the fishing authorisation fee has been paid and shall carry the footnote "authorised quantity to be shared by the vessels...(names of each vessel listed on the collective application)".

The EU authorities shall present to the Greenlandic authorities the (collective) application for (a) fishing authorisation(s) of each vessel wishing to fish under the Agreement.

The Greenlandic authorities are entitled to suspend an existing fishing authorisation or not to issue a new fishing authorisation if an EU vessel has not fulfilled the requirements of transmitting relevant logbook sheets and landing declarations to the Greenlandic authorities in accordance with the catch reporting arrangements.

4. As soon as this Protocol starts to apply, the Greenlandic authorities shall communicate, all information concerning the bank accounts to be used for the payment of the fee.
5. Fishing authorisations shall be issued for specific vessels and shall not be transferable, subject to the provisions of paragraph 6. Fishing authorisations shall

indicate the authorised quantity to be caught and retained on board. An amendment of any of the authorised quantities indicated in the fishing authorisation(s) shall be subject to a new application. In the case where a vessel exceeds any authorised quantity indicated in its fishing authorisation, it shall pay a fee equivalent to three times the amount provided for in Part B 3, 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.

6. However, in a limited number of cases and at the request of the European Commission, a vessel's fishing authorisation may be replaced by a new fishing authorisation for another vessel with characteristics similar to those of the first vessel. The new fishing authorisation shall indicate:
 - the date of issue,
 - the fact that it invalidates and replaces the fishing authorisation of the previous vessel.
7. Fishing authorisations shall be transmitted by the Greenland Fisheries Authority to the European Commission within 15 working days of receipt of the application.
8. The original fishing authorisation or a copy of it shall be held on board at all times and be presented at any time on request of the competent Greenlandic authorities.

B. VALIDITY OF FISHING AUTHORISATIONS AND PAYMENT

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. They shall be issued within 15 working days of receipt of the application following payment of the required fishing authorisation fees per year for each vessel.

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.

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 1/12th 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.

The unused quantity of a fishing authorisation for Northern Prawn, at 31 December of a given year, may be transferred, on request, 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.

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

2. The reference prices for the species are as follows:

Species	Live weight price in EUR per tonne
Cod	1.800
Pelagic Redfish	1.700
Demersal Redfish	1.700
Greenland Halibut	3.500
Northern Prawn - East	2.500
Northern Prawn - West	2.300
Atlantic Halibut	4.100
Capelin	190
Snowcrab	5.500
Grenadier spp.	2.204

3. The fishing authorisation fees are as follows:

Species	EUR per tonne
Cod	90
Pelagic Redfish	53
Demersal Redfish	53
Greenland Halibut	129
Northern Prawn - East	50
Northern Prawn - West	80
Atlantic Halibut	217
Snowcrab	120
Capelin	5

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

CHAPTER II - FISHING ZONES

1. The fishery shall take place within the fishing zone as defined as the Greenlandic Exclusive Economic Zone as provided for in the Regulation No. 1020 of 15 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.

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. 8 of 22 November 2011 unless specifically provided otherwise.
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 III – CATCH REPORTING

A. Catch Reporting and fishing logbook

1. Masters of EU fishing vessels fishing under the Agreement shall keep a fishing logbook of their operations indicating all quantities of each species caught and kept on board or discarded above 50 kg live weight equivalent.
2. 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. The information shall be recorded and transmitted daily no later than 2359 UTC by electronic means to the Greenlandic authorities via the Fisheries Monitoring Centre (FMC) of the Flag Member State. The format to be used for the completion and transmission of electronic fishing logbook data shall be agreed between both Parties before the entry into force of the Protocol by the Joint Committee.
3. The master shall also record and transmit fishing logbook data on receipt of a request from an official of the competent Greenlandic authority.
4. On the occasion of any transshipment operation or landing whilst within the Greenlandic EEZ, the master shall also record and transmit by electronic means transshipment and landing declaration data to the Greenlandic authorities via the FMC of the flag Member State within 24 hours of completion of the transshipment or landing operation.
5. The master shall be responsible for the accuracy of the fishing logbook data recorded and transmitted. The master and/or his representative shall be responsible for the accuracy of the transshipment and landing declaration data recorded and transmitted.
6. Without prejudice to paragraph 10, an EU fishing vessel shall not be allowed to leave port to fish under the Agreement without a fully operational electronic catch reporting system (ERS) installed on board.
7. Without prejudice to paragraph 10, EU fishing vessels which do not record and transmit fishing logbook data by electronic means shall not be permitted to fish within the Greenlandic EEZ.
8. In the event of:
 - (i) a technical failure or non-functioning of the electronic recording and reporting system fitted on board an EU fishing vessel, the master of the fishing vessel or his representative shall, starting from the time that the event was detected or from the

time that he was otherwise informed, communicate fishing logbook data as appropriate, to the Greenlandic competent authorities via the FMC of the flag Member State, by alternative telecommunications means on a daily basis and no later than 2359 UTC even when there are no catches.

(ii) a technical failure or non-functioning of the electronic recording and reporting system, in addition to the fishing logbook data, transshipment declaration and landing declaration data as appropriate shall also be communicated, if any of the following situations arise:

- (a) at the request of the competent authorities of Greenland and/or the Flag Member State;
- (b) immediately after the last fishing operation;
- (c) before entering into port;
- (d) at the time of any inspection at sea;
- (e) as may be required by Greenlandic legislation.

Prior notification shall also be sent in the cases referred to in (a) and (c);

(iii) Following a technical failure or non-functioning of the electronic recording and reporting system on board, an EU fishing vessel may only leave port once the electronic recording and reporting system fitted is fully operational to the satisfaction of the Greenlandic competent authorities and the FMC of the flag State, or is otherwise authorised to leave by the competent authorities of Greenland. Without prejudice to paragraph 6 above, the Greenlandic authorities shall immediately notify the FMC of the flag Member State and the EU authorities if they have authorised an EU fishing vessel to leave port without a fully operational electronic recording and reporting system on board.

9. The removal of the electronic recording and reporting system for repair or replacement shall be subject to the approval of the Greenlandic competent authorities whilst within the Greenlandic EEZ.
10. Upon entry into force of the Protocol, in parallel with ERS, and for a transitional period of one year, EU fishing vessels operating under the Agreement shall complete and submit paper format Greenlandic logbooks.

B. Non-receipt of catch data

1. When the Greenlandic competent authorities do not receive electronic catch, transshipment or landing declaration data transmissions in accordance with Section A above, they shall immediately notify the FMC of the flag Member State and the EU authorities. Upon receipt of this notification the FMC of the flag Member State shall immediately notify the master and the ship owner, and shall without further delay take action to rectify the situation. If, in respect of a particular EU fishing vessel, such a situation occurs more than three times within a period of a calendar year, the Greenlandic authorities may require the EU authorities to ensure that the FMC of the flag Member State undertakes a thorough investigation concerning the repeated

failure of the electronic recording and reporting system fitted on board. The FMC of the flag Member State shall establish why data have not been received and shall take action to rectify the situation, and shall inform the Greenlandic FMC and the EU authorities of their findings and the cause of the failure.

2. Immediately upon receipt of a notification from the FMC of the flag Member State, the master of the EU fishing vessel shall send all data which have not yet been transmitted by alternative telecommunication means to the competent Greenlandic authorities via the FMC of the flag Member State. Thereafter data shall be communicated daily and no later than 2359 UTC by the alternative telecommunication means.

C. Format for exchange of information

1. The XML standard to be used for all electronic data exchanges between the two parties and, where appropriate, shall be that available on the Europa website:

http://ec.europa.eu/fisheries/cfp/control/codes/index_en.htm.

2. Any amendments to the format referred to in paragraph 1 shall be clearly identified and marked with the date it was updated. Both parties shall inform each other of any intended changes in due time. Such amendments shall not come into force earlier than 6 months after they have been decided.
3. Electronic data exchanges between the two parties and, where appropriate the EU authorities, shall be facilitated by using the means of communication managed by the European Commission on behalf of the European Union.

CHAPTER IV – TECHNICAL CONSERVATION MEASURES

EU fishing vessels shall be provided by Greenland with an English language version of relevant Greenlandic legislation concerning catch reporting, control, technical conservation measures and observer scheme.

CHAPTER V – CONTROL

The following measures shall apply to EU fishing vessels operating in Greenlandic EEZ without prejudice to the Greenlandic legislation.

A. Inspection at sea

1. The inspection of EU fishing vessels at sea within the Greenlandic EEZ shall be carried out by authorised inspectors. Inspection vessels shall be clearly marked in accordance with international convention and inspectors issued with a form of identity which they shall present to the master at the earliest opportunity during an inspection. Officials shall not interfere with the right of the master to communicate with the competent authorities of his flag Member State.
2. The master of a fishing vessel which is being inspected or his representative shall:
 - (a) facilitate safe and effective boarding of officials in accordance with good seamanship when the appropriate signal of the International Code of Signals is

- given or when the intention to board is established through radio communication by a vessel or helicopter carrying an official;
- (b) facilitate the officials to perform their inspection duties, providing such assistance as is requested and is reasonable;
 - (c) permit the official(s) to communicate with the Greenlandic authorities;
 - (d) alert officials to particular safety hazards on board EU fishing vessels;
 - (e) provide access by officials to all areas of the vessel, all processed or unprocessed catches, all fishing gears and all relevant information and documents;
 - (f) facilitate safe disembarkation by officials on completion of the inspection.
3. Greenlandic inspectors shall remain on board the EU vessel for the time necessary to carry out inspection tasks. They shall carry out the inspection in a way which minimises the impact on the vessel, its fishing activity and cargo.
 4. Masters shall not be required to reveal commercially sensitive information over open radio channels.
 5. At the end of each inspection, Greenlandic inspectors shall communicate their findings to the master and draw up an inspection report. The master of the EU fishing vessel shall have the right to comment in the inspection report. The inspection report shall be signed by the relevant inspector and the master of the EU fishing vessel if he/she so wishes.
 6. The Greenlandic inspectors shall issue a copy of the inspection report to the master of the EU fishing vessel before leaving the vessel. Greenland shall notify the EU authorities of the inspection within 8 working days. After receipt of the notification and upon receiving a request from the EU authorities a copy of the inspection report shall be transmitted by Greenland to the EU authorities within 8 working days. Where appropriate this information shall be made available to the relevant Regional Fisheries Management Organisations (RFMOs).

B. Inspection in port

1. The inspection in a port of Greenland of EU fishing vessels which land or tranship their catch shall be carried out by Greenlandic inspectors who are clearly identified as being assigned to carry out fishing checks.
2. The port inspections will be carried out in accordance with FAO measures and Port State measures of the relevant RFMOs.
3. Greenland may authorise the EU to participate in the inspection in port as an observer.
4. The master of the EU fishing vessel shall co-operate to facilitate the Greenlandic inspectors to carry out their work.

5. At the end of each inspection, Greenlandic inspectors shall communicate their findings to the master and draw up an inspection report. The master of the EU fishing vessel shall have the right to comment in the inspection report. The inspection report shall be signed by the relevant inspector and the master of the EU fishing vessel.
6. The Greenlandic inspectors shall issue a copy of the inspection report to the master of the EU vessel before leaving. Greenland shall transmit a copy of the inspection report to the EU authorities within 8 working days following the inspection.

CHAPTER VI

CONTROL OBSERVER SCHEME

A. Observer scheme

1. Any fishing operations in the Greenlandic EEZ 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 EEZ shall cooperate with the Greenlandic authorities for the purpose of embarking of observers on board.

B. Observer's salary

1. The salary and social contributions of the observer shall be borne by the competent Greenlandic authorities.

C. Observer's obligations

1. 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;
 - c. respect the confidential nature of any document belonging to the vessel.

D. Observer's report

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.
2. The competent Greenlandic authorities shall notify the EU authorities about this disembarkation of the observer within 8 working days. After receipt of the notification and upon receiving a request from the EU authorities a copy of the observer's report shall be transmitted by Greenland to the EU authorities within 8 working days.

CHAPTER VII

VESSEL MONITORING SYSTEM (VMS)

CONDITIONS ON ISSUES RELATED TO SATELLITE TRACKING OF FISHING VESSELS

1. With regard to the satellite tracking monitoring system any fishing vessels holding a fishing authorisation applicable in the waters of the other Party, shall comply with all the following provisions.
2. All vessels holding a fishing authorisation shall be equipped with a fully operational satellite-tracking device installed on board, to enable automatic and continuous communication of their geographical coordinates, to the fishing monitoring centre (FMC) of their flag state. The frequency of transmission shall be on an hourly basis.
3. Each position message shall:
 - (i) 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 speed and the course of the vessel;
 - (ii) and be configured in accordance with the attached format at Appendix 2.
4. The first position recorded after entry into the EEZ of the other party 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 waters of the other party, which shall be identified by the code 'EXI'.
5. The FMC of the Flag State shall ensure the automatic processing and, if necessary, the electronic transmission of the position messages. The position messages shall be recorded in a secure manner and kept for a period of three years.
6. The Vessel Monitoring System 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 or the antennas 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.
- 7. It shall be prohibited for a fishing vessel to enter the other party's EEZ without a fully operational satellite tracking device, otherwise the Greenlandic authorities, are entitled to suspend with immediate effect the fishing authorisation of that fishing vessel. The Greenlandic authorities shall provide notice without delay to the vessel concerned. The EU authorities and the Flag State shall be notified of the suspension of fishing authorisations by the Greenlandic authorities without any delay.
- 8. Transmission by the vessel in the event of breakdown of the VMS system.
 - i. In the event of breakdown of the VMS system of the vessel, it shall be repaired or replaced within 30 calendar days, after notification to the master of the fishing vessel and to its Flag State. The EU authorities shall be notified on the fact as soon as possible.
 - ii. During the period above mentioned, the vessel shall be required to start reporting manually his position, in accordance with Chapter VII, paragraph 3 above, by e-mail or fax to the FMC of the Flag State and to the FMC of the party where the vessel is. The frequency of this manual transmission shall be at least one position every 4 hours.
 - iii. After that period, the vessel shall no longer be authorised to undertake fishing activities in the Greenlandic EEZ.
- 9. When the satellite tracking device has transmitted hourly messages with the same geographical position for more than 4 hours, a position message containing the activity code "ANC", as described in the attached format, shall be sent. Such position messages may be transmitted with a frequency of once every 12 hours. Within less than 1 hour after the position has changed, the hourly reporting frequency will resume.
- 10. Secure communication of the position messages between FMC's
 - i. The FMC of the Flag State shall automatically send the position messages of the vessels concerned to the FMC of the party in whose waters the vessel is.
 - ii. 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.
 - iii. 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.

iv. The FMCs of the European Union shall be the Flag State FMC in terms of communicating messages from the European Union to Greenland. For the purpose of communicating such reports and messages from Greenland to the European Union, the European Union FMC shall be the FMC of the Member State in whose waters the vessel is or has been operating. The FMC of Greenland is established at the Controlling Unit of Ministry of Fisheries, Hunting and Agriculture (Greenland Fisheries Licence Control Authorities) in Nuuk.

v. The FMC of those waters where the vessel is in a given moment shall inform the FMC of the Flag State and the European Commission of any interruption in the receiving of consecutive position messages from a vessel holding a fishing authorisation, where the vessel concerned has not notified its departure from the EEZ.

11. Malfunction of the communication system

i. Greenland shall ensure the compatibility of its electronic equipment with that of the FMC's of the Flag States and inform the EU 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.

ii. Communication failures between FMC's shall not affect the operation of the vessels.

iii. All non-transmitted messages during the downtime, shall be forwarded as soon as the communication is re-established between the FMC's concerned.

12. 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.

13. Under no circumstances shall tracking data communicated to the other Party in accordance with this Agreement be disclosed to authorities, other than control and monitoring authorities, in such a way that individual vessels can be identified.

14. 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.

CHAPTER VIII

Infringements

A. Treatment of infringements

1. Any infringement committed in the Greenlandic EEZ by an EU fishing vessel holding a fishing authorisation in accordance with the provisions of this Annex shall be mentioned in an inspection report.

2. The signature of the inspection report by the master shall be without prejudice to the master's and/or ship owner's right of defence in respect of an infringement.

B. Information on Detention of a vessel

1. Greenland shall notify the EU within 24 hours of any detention of an EU fishing vessel holding a fishing authorisation. This notification shall be accompanied by brief details of the infringement.

C. Penalties for infringements

1. The penalty for the infringement shall be set by Greenland according to the provisions of the national legislation in force.

D. Legal proceeding – Bank security

1. When an 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 Greenland, the amount of which, as set by Greenland, covers 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.
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;
3. The legal proceedings shall open as soon as possible according to the national law;
4. Greenland shall inform the EU of the outcome of the legal proceedings within 14 days following the judgement.

E. Release of the vessel and the crew

1. The EU fishing vessel shall be authorised to leave port once the bank security has been deposited or once the penalty has been paid.

CHAPTER IX – TEMPORARY JOINT VENTURES

A. METHODS AND CRITERIA FOR PROJECT ASSESSMENT FOR TEMPORARY JOINT VENTURES AND JOINT ENTERPRISES

1. The Parties shall exchange information on the projects presented for the formation of temporary joint ventures and joint enterprises according to Article 2 of the Agreement.
2. The projects shall be presented to the EU via the competent authorities of the Member State or Member States concerned.

3. The EU shall submit to the Joint Committee a list of projects concerning temporary joint ventures and joint enterprises. The Joint Committee shall assess the projects in accordance inter alia with the following criteria:
 - (a) technology appropriate to the proposed fishing operations;
 - (b) target species and fishing zones;
 - (c) age of the vessel;
 - (d) in case of temporary joint ventures, the total duration and that of fishing operations;
 - (e) previous experience of the EU ship owner and any Greenlandic partner in the fisheries sector.
4. The Joint Committee shall issue an opinion on the projects following the assessment under paragraph 3.
5. In the case of temporary joint ventures, once the projects have received a favourable opinion from the Joint Committee, following the approval of the Greenlandic authorities, the necessary fishing authorisations shall then be issued.

B. CONDITIONS CONCERNING ACCESS TO RESOURCES OF TEMPORARY JOINT VENTURES IN GREENLAND

1 Fishing authorisations

The fishing authorisations to be issued by Greenland shall have a validity equal to the duration of the temporary joint ventures. Fishing shall take place on quotas allocated by the Greenlandic authorities.

2. Replacement of vessels

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

3. Fitting-out

Vessels operating under temporary joint ventures shall comply with the rules and regulations applicable in Greenland regarding fitting-out, which regulation shall be applied without discrimination between Greenland and EU vessels.

CHAPTER X – EXPERIMENTAL FISHERIES

DETAILS OF IMPLEMENTATION FOR EXPERIMENTAL FISHERIES

1. The Government of Greenland and the European Commission shall jointly decide on the European Union operators, the most suitable time as well as the arrangements for the implementation of experimental fisheries. In order to facilitate the exploratory work of the vessels, the Government of Greenland (through the Greenland Institute of Natural Resources) shall provide existing scientific and other basic information.

2. The Greenland fishing industry shall be closely associated (co-ordination and dialogue on the arrangements for experimental fisheries).
3. The length of the campaigns shall be for a maximum of six months and a minimum of three months. Following the agreement of the Parties these periods may be changed.
4. The European Commission shall communicate to the Greenlandic authorities the requests for fishing authorisations for experimental fishery. A technical dossier specifying:
 - the technical characteristics of the vessel;
 - the level of expertise on the fishery of the ship officers;
 - the proposal for the technical parameters of the campaign (length, gear, exploration regions etc.)
5. Where necessary, the Greenlandic authorities shall organise a technical dialogue between the Parties and the ship-owners concerned.
6. Before the beginning of the campaign, the vessel owners shall submit to the Greenlandic authorities and to the European Commission:
 - a declaration of the catches already on board;
 - the technical characteristics of the fishing gear to be used for the campaign;
 - an assurance that they will comply with the Greenland Regulations for fisheries;
7. During the campaign at sea, the owners of the vessels concerned shall:
 - provide the Greenland Institute of Natural Resources, the Greenlandic authorities 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);
 - communicate the vessel's position, speed and heading by VMS;
 - ensure the presence on board of one Greenlandic scientific observer or an observer chosen by the Greenlandic authorities. 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 in agreement with the Greenlandic authorities;
 - submit the vessels to inspection on leaving the Greenlandic EEZ if the Greenlandic authorities so request;
 - ensure that they comply with the Greenland Regulations for fisheries;

8. The catches consistent with and obtained during the experimental campaign remain the property of the vessel-owner.
9. The catches consistent with the experimental campaign shall be established by the Greenlandic authorities prior to the commencement of each campaign and made available to the master of the vessel(s) concerned.
10. The Greenlandic authorities will designate a contact person responsible for addressing any unforeseen problems that might hinder the development of the experimental fisheries.
11. The Greenlandic authorities will prior to the commencement of each campaign present the details and conditions of the experimental fishing campaigns in accordance with Article 9 and 10 of the Agreement and in accordance with Greenlandic law.

Appendices to this Annex

1. Appendix 1 - Application form for a fishing authorisation
2. Appendix 2 – Entry/exit notification form
3. Appendix 3 – Flexibility scheme in the pelagic redfish fishery between Greenlandic and NEAFC waters

Appendix 1 - APPLICATION FORM FOR A FISHING AUTHORISATION IN THE GREENLANDIC EEZ

- 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)¹⁴
- 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.)

¹⁴ May be forwarded when application has been approved.

- 21 Tonnage in GT
- 22 Representative (agent) in Greenland, Name and address
- 23 Address to where the fishing authorisation should be mailed, Fax
European Commission, Directorate General for Maritime Affairs and Fisheries, Rue de la Loi 200, B-1049 Brussels, Fax +32 2 2962338Email

Appendix 2 – Entry/exit notification form

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

1) "ENTRY" 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, "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 ± 99.999 (WGS-84)
Longitude	LG	M	Position detail; position ± 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" ¹⁵
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 ± 99.999 (WGS-84)
Longitude	LG	M	Position detail; position ± 999.999 (WGS-84)
Activity	AC	O ¹⁶	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

¹⁵ Type of message shall be "MAN" for reports communicated by vessels with a defective satellite tracking device.

¹⁶ Applicable only if the vessel is transmitting POS messages at a reduced frequency.

3) "EXIT" 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, "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 3

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

1. To be eligible to fish under the flexibility scheme in the redfish fishery between Greenlandic and NEAFC waters a vessel shall apply for a Greenlandic flexibility fishing authorisation. Subject to approval of the application, the vessel will receive a specific fishing authorisation for activities outside Greenlandic EEZ.
2. All measures concerning this fishery in the NEAFC regulatory area decided upon 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 EEZ 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 fishing authorisation are clearly identified as counting against the Greenlandic quota by using the fishing authorisation allocated in the flexibility fishing authorisation.
 - (i) Before commencing to fish on its Greenlandic quota, a vessel shall transmit an ACTIVE “CATCH ON ENTRY” message to the Greenlandic FMC through its Flag State FMC as follows:
 1. ACTIVE “CATCH ON ENTRY”
 2. Name of vessel
 3. External registration ID
 4. IRCS
 5. Name of master

6. Date and time of commencing fishing operations on Greenlandic quota
7. Position
8. Catch on board in species live weight equivalent and area of capture.

(ii) DAILY CATCH REPORT

The fishing logbook data shall be transmitted daily by no later than 2359 UTC.

(iii) On stopping of its fishing activities on the Greenlandic quota, a vessel shall transmit an PASSIVE “CATCH ON EXIT” message to the Greenlandic FMC through its Flag State FMC as follows:

1. PASSIVE “CATCH ON EXIT”
2. Name of vessel
3. External registration ID
4. IRCS
5. Name of master
6. Date and time of stopping of its fishing activities on the Greenlandic quota
7. Position
8. Catch on board in species live weight equivalent and area of capture.

Both ACTIVE and PASSIVE reports shall be transmitted without prejudice to the daily catch reporting obligation.

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.