

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(78) 56 final

Brussels, 15 February 1978

Proposal for a
COUNCIL REGULATION (EEC)

on the conclusion of the Agreement on fisheries between
the European Economic Community and the Kingdom of Norway

(submitted to the Council by the Commission)

COM(78) 56 final

1. On 3 November 1976 the Council authorized the Commission to enter into negotiations with Norway concerning a fisheries agreement.
2. Negotiations have recently been completed. The text comprises an "Agreement on Fisheries between the Kingdom of Norway and the European Economic Community", and an Annex which forms an integral part of the Agreement.
3. The Agreement provides an arrangement involving reciprocal fishing rights, each Party granting access to fishing vessels of the other Party to fish within its area of fisheries jurisdiction. The Annex to the Agreement lays down the basis on which a mutually satisfactory balance in fishing relations is to be achieved (Article 1).
4. Total allowable catches for individual stocks, or complexes of stocks, will be determined annually by each Party. After consultations, fishing possibilities will be agreed upon in their respective zones with a view to achieving a satisfactory balance. Other conservation measures shall not jeopardize the possibilities for fishing allowed to the other Party (Article 2).
5. In the event of a significant distortion of the fishing patterns of either Party, the Parties shall consult on the matter. If no satisfactory solution is found within 3 months, the Agreement may be suspended or terminated (Article 3).
6. The Agreement provides that the competent authority of each Party shall issue licences for the regulation of fishing in its area of fisheries jurisdiction (Article 4). Fishing vessels of one Party will comply with the conservation measures established by the other Party when fishing within that Party's area of fisheries jurisdiction (Article 5).

7. Each Party shall take all necessary measures to ensure compliance with the provisions of the Agreement by fishing vessels (Article 6). The Parties agree to cooperate in the conservation and management of joint stocks and those occurring beyond their respective areas of fisheries jurisdiction (Article 7).

8. Nothing in the Agreement prejudices existing agreements between the two Parties (Article 9) nor the views of either Party to any question relating to the Law of the Sea (Article 10). A standard territorial clause is included in Article 11.

9. Pending the conclusion of the Agreement by both Parties, it will be applied provisionally from the date of signature. Once concluded it will last for an initial period of ten years. Notice of termination is to be given at least nine months before the expiry of that period : if no notice is given, the Agreement will remain in force for additional periods of six years thereafter (Article 13).

10. The Agreement will be re-examined upon the conclusion of the negotiations on a multilateral treaty resulting from the Third United Nations Conference on the Law of the Sea (Article 14).

11. The two Parties agreed to an informal exchange of letters between the respective chief negotiators. These letters do not form part of the Agreement and will not be published. The principal purpose of the letters is to confirm the Community's understanding of the text of the territorial clause (Article 11).

12. On the basis of the foregoing, the Commission recommends that the Council approves the outcome of the negotiations and set in motion the procedure for signature and conclusion of the Agreement, that is :

- that, at its next session, the Council
 - decide to proceed, subject to conclusion, to signature of the Agreement,
 - authorize its President to designate the persons empowered to sign the Agreement;
- that the Council take steps in conformity with its normal practice, to consult the European Parliament;
- that the Council proceed, at the appropriate time, to the adoption of the draft regulation attached which approves the Agreement.

Article 3

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

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

Done at Brussels,

For the Council,
The President

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DRAFT AGREEMENT ON FISHERIES BETWEEN

THE KINGDOM OF NORWAY AND THE

EUROPEAN ECONOMIC COMMUNITY

The Kingdom of Norway and the European Economic Community (hereinafter referred to as the Community) :

recalling the close relations between the Community and Norway;

considering their common desire to ensure the conservation and rational management of the fish stocks of the waters adjacent to their coasts;

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

affirming that the extension by coastal states of their areas of jurisdiction over the living resources, and the exercise within these areas of sovereign rights for the purpose of exploring, exploiting, conserving and managing these resources, should be conducted pursuant to and in accordance with principles of international Law;

having regard to the fact that Norway has established with effect from 1 January 1977 an economic zone extending to 200 nautical miles off its coast, within which Norway exercises sovereign rights for the purpose of exploring, exploiting, conserving and managing the resources thereof, and that the Community has agreed that the limits of the fishery zones of its Member States (hereinafter referred to as the area of fisheries jurisdiction of the Community) shall extend up to 200 nautical miles, fishing within these limits being subject to the common fishery policy of the Community;

desirous of establishing the terms and conditions under which their fishery relations shall be conducted in the future;

have agreed as follows :

Article 1

1. Each Party shall, within its area of fisheries jurisdiction extending up to 200 nautical miles from the baselines from which the territorial sea is measured, grant access to fishing vessels of the other Party to fish, in accordance with the provisions set forth below.
2. The Annex attached to this Agreement shall constitute an integral part thereof.

Article 2

1. Each Party shall, as appropriate, determine annually for its area of fisheries jurisdiction, subject to adjustment when necessary to meet unforeseen circumstances, and on the basis of the need for rational management of the living resources,

- (a) the total allowable catch for individual stocks or complexes of stocks, taking into account the best scientific evidence available to it, the interdependence of stocks, the work of appropriate international organisations and other relevant factors;
- (b) after appropriate consultations, allotments for fishing vessels of the other Party in accordance with the objective of establishing a mutually satisfactory balance in their reciprocal fisheries relations, and the conditions prescribed in the Annex.

2. Each Party shall establish such other measures as it deems to be required for the conservation, rational management, and regulation of fisheries within its area. Such measures, and any measures taken subsequent to the annual determination of fishing possibilities, shall take into account the need not to jeopardise the possibilities for fishing allowed to fishing vessels of the other Party.

Article 3

In the event of a significant distortion of the fishing patterns of one Party in areas crucial to the achievement of a mutually satisfactory balance in the reciprocal fisheries relations between the Parties, the Parties shall promptly enter into consultations with a view to securing the continuance of reciprocal fisheries relations between the Parties. If, within three months from the request for consultations, a solution satisfactory to the Party which has requested consultations, is not found, that Party may, notwithstanding the provisions of Article 13, suspend or terminate the Agreement on giving thirty days notice.

Article 4

The competent authority of each Party shall communicate in due time to the other Party the name, registration number, and other relevant particulars of the fishing vessels which shall be eligible to fish within the area of fisheries jurisdiction of the other Party. The second Party shall thereupon issue licences in a manner commensurate with the possibilities for fishing granted under Article 2. 1 (b).

Article 5

Fishing vessels of one Party shall, when fishing within the area of fisheries jurisdiction of the other Party, comply with the conservation measures, other terms and conditions, and all rules and regulations governing fishing activities in that area. Appropriate advance notice shall be given of any new measures, terms, conditions, rules or regulations.

Article 6

1. Each Party shall take all necessary measures to ensure compliance with the provisions of this Agreement and other relevant regulations by its vessels.

2. Each Party may take within its area of fisheries jurisdiction such measures, in conformity with international Law, as may be necessary to ensure compliance with the provisions of this Agreement by vessels of the other Party. 7

Article 7

The Parties undertake to co-operate to ensure proper management and conservation of the living resources of the sea, and to facilitate the necessary scientific research in this respect, in particular with regard to

- (a) stocks occurring within the areas of fisheries jurisdiction of both Parties, with a view to achieving, as far as practicable, harmonization of measures for the regulation of fisheries in respect of such stocks;
- (b) stocks of common interest occurring within the areas of fisheries jurisdiction of both Parties and in the areas beyond and adjacent to those areas.

Article 8

The Parties agree to consult on questions relating to the implementation and proper functioning of this Agreement, or in the event of a dispute concerning the interpretation or application thereof.

Article 9

This Agreement shall be without prejudice to other existing agreements between the two Parties or to existing agreements concerning fishing by vessels of one Party within the area of fisheries jurisdiction of the other Party.

Article 10

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

Article 11

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Economic Community is applied and under

the conditions laid down in that Treaty and, on the other hand, to the territory of the Kingdom of Norway.

Article 12

This Agreement shall enter into force on the date on which the Contracting Parties notify each other of the completion of the procedures necessary for this purpose. The Agreement shall, pending its entry into force, be applied provisionally from the date of signature.

Article 13

This Agreement shall remain in force for an initial period of ten years after the date of its entry into force. In the event of the Agreement not being terminated by either Party through notice of termination given at least nine months before the expiry of that period, it shall remain in force for additional periods of six years duration thereafter, provided that notice of termination has not been given at least nine months before the expiry of any such period.

Article 14

Following the adoption of a Convention by the Third United Nations Conference on the Law of the Sea, each Party may request consultations with a view to examining the provisions of this Agreement in the light of the provisions of the said Convention.

IN WITNESS WHEREOF, the undersigned, being duly authorized for this purpose, have signed this Agreement.

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

For the Council of the
European Communities

For the Kingdom
of Norway

DRAFT

COMMUNITY DECLARATION CONCERNING ARTICLE 11 OF THE
AGREEMENT BETWEEN THE EEC AND NORWAY

Pursuant to the wish you have expressed I am in a position to state that Article 11 of the Agreement, which incorporates provisions that are traditionally used in agreements concluded between the European Economic Community and third countries, is considered by the Community as having no bearing upon the question of the legal status of the economic zone, currently under discussion at the Third Conference of the United Nations on the Law of the Sea, and as a result is unable to express any opinion on the matter. Furthermore, the reference made in the same article to the Treaty establishing the European Economic Community concerns the application of the agreement with respect to that Community alone.

A N N E X

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1. In determining the allotments for fishing under Article 2.1 (b) of the Agreement, the Parties shall have as their objective the establishment of a mutually satisfactory balance in their reciprocal fisheries relations. Subject to conservation requirements, a mutually satisfactory balance should be based on Norwegian fishing in the area of fisheries jurisdiction of the Community in recent years. The Parties recognize that this objective will require corresponding changes in Community fishing activity in Norwegian waters.

2. Each Party will take into account the character and volume of the other Party's fishing in its area of fisheries jurisdiction, bearing in mind habitual catches, fishing patterns and other relevant factors.

3. The Parties will, in pursuance of the objective set forth in paragraph 1 above, effect a gradual reduction with a view to achieving that objective by 31 December 1982.

